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ARTICLE

Deconstructing the Sino-Russian Janus-Faced Approach to Unilateral Sanctions

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Abstract
This Article examines the evolving stance of Russia and China on the use of sanctions, highlighting a notable shift from their traditional opposition to unilateral coercive measures toward increasingly employing such tools themselves. While both countries have consistently criticized sanctions not endorsed by the UN Security Council, recent practices reveal a growing reliance on national legal frameworks to impose retaliatory and strategic sanctions. China, for instance, has introduced targeted measures against foreign officials and companies, particularly in response to perceived threats to its sovereignty, such as arms sales to Taiwan. Russia, in turn, has enacted counter-sanctions against Western states through export bans and travel restrictions. The Article explores this duality and analyzes its implications for international law, contending that the gap between rhetoric and practice may signal a reconfiguration of the normative landscape surrounding unilateral sanctions.

Keywords: China; Russia; unilateral sanctions; special economic measures; unreliable entity list

A. Introduction

The Article aims to thrust light on recent developments in the Russia and China sanctions policy. Typically, these two countries have been at the forefront of the efforts to de-legitimize sanctions other than those enacted by the multilateral architecture of the Security Council. Multiple instances of their opposition can be found in the General Assembly Resolutions concerning unilateral sanctions and coercive measures, as well as in the voting meetings of the Security Council when considering the possibility of adopting sanctions or right after their actual adoption.[1] However, in the ever evolving reality of international relations, these States have been gradually changing their approaches regarding the issue of sanctions so much so that they can be regarded as practitioners of such measures.[2]

[1]*See, e.g.*, U.N. SCOR, 62d Sess., 5777th mtg. at para. 10, 14, U.N. Doc. S/PV.5777 (Nov. 13, 2007) (describing the situation in Myanmar discussed at the UN Security Council). *See infra* Section B.

[2]*See generally* Pierre-Emmanuel Dupont, *Countermeasures and Collective Security: The Case of the EU Sanctions Against Iran*, 17 J. Conflict & Sec. L. 301 (2012). Stefano Silingardi, le Sanzioni Unilaterali e le Sanzioni con Applicazione Extraterritoriale nel Diritto Internazionale [Unilateral Sanctions and Sanctions With Extraterritorial Application in International Law] (2020); Research Handbook on Unilateral and Extraterritorial Sanctions (Charlotte Beaucillon ed., 2021); 9 Iryna Bogdanova, Unilateral Sanctions in International Law and the Enforcement of Human Rights 59 (World Trade Inst. Advanced Stud., Thomas Cottier ed. 2022); Julia Schmidt, *The Legality of Unilateral Extra-Territorial Sanctions Under International Law*, 27 J. Conflict & Sec. L. 53 (2022); Daniel

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Strikingly, China has commenced adopting its own package of measures that, in international law, are commonly referred to as unilateral sanctions, though the Chinese authorities refrain from calling them so. For instance, in an attempt to respond to arms sales to Taiwan, China has repeatedly imposed sanctions on American defense companies, including Lockheed Martin and Raytheon Technologies.[3] These sanctions often include bans on business activities within China and restrictions on cooperating with Chinese firms. China has also implemented a policy of sanctions against individuals via visa bans and asset freezes in response to actions it considers harmful. For example, in 2022, China sanctioned U.S. House Speaker Nancy Pelosi after her visit to Taiwan, as well as European and Canadian officials in response to Western sanctions related to human rights violations in Xinjiang.[4]

As for Russia, measures aimed at primarily responding to sanctions previously levied against it have been passed by leveraging its geopolitical role. In March 2022, the Russian government imposed a ban on the export of more than 200 goods, including technological and telecommunications equipment, agricultural machinery, and some medical equipment.[5] This was framed as a protective measure against the "unfriendly" actions of other countries that were implementing sanctions on Russia.[6] It also imposed travel bans and asset freezes on a number of Western officials, journalists, and business leaders, together with blacklisting U.S. President Joe Biden, Canadian Prime Minister Justin Trudeau, and several EU officials, barring them from entering Russia.[7] Such actions mirrored Western sanctions against Russian officials and oligarchs.[8] As a result, this Article suggests that the recent practice, combined with the stance still taken at the UN level, is opening up a considerable gap in terms of readily utilizing unilateral sanctions as a means of exerting international leverage. In this sense, municipal laws paving the way for the imposition of sanctions have been increasingly enacted.

The analysis proceeds as follows. Section B and C situate the above contradictions in the broader international legal order, shedding light on the pillars China and Russia rely on to assert their opposition to unilateral sanctions and, recently, to justify the imposition of counter-sanctions. Section D and E dwell on the relevant practice in order to distinguish "tacit" or informal sanctions from formal unilateral sanctions. For instance, as a major development, Russia and China overtly announced the imposition of sanctions. The last section will zero in on the findings of this Article, pointing in particular to how the broader geopolitical setting is shaping the way Russia and China conceptualize and apply sanctions, and what the broader implications of this process may be for International law.

Franchini, *Extraterritorial Sanctions in Response to Global Security Challenges: Countermeasures as Gap-Fillers in the United Nations Collective Security System*, 12 CAMBRIDGE INT'L L.J. 129 (2023).

[3]*See* Huizhong Wu, *China Reveals New Details of Raytheon, Lockheed Sanctions*, AP NEWS (Apr. 18, 2023, 11:23 AM), https://apnews.com/article/china-sanctions-weapons-sales-taiwan-lockheed-raytheon-e6503f62d8aa8fa8cf9205252e7bff5f (describing how China imposed sanctions on American defense companies again in 2023 and 2025). *See also* Arpan Rai, *China Hits Lockheed Martin, Raytheon and Boeing with Export Ban After US Arms Sales to Taiwan*, THE INDEPENDENT (Jan. 2, 2025, 11:40 AM), www.independent.co.uk/asia/china/china-ban-lockheed-martin-raytheon-taiwan-us-firms-b2672740.html.

[4]*See* Ryan Woo, *China Sanctions Pelosi Over "Provocative" Visit to Taiwan*, REUTERS (Aug. 5, 2022, 4:39 AM), https://www.reuters.com/world/asia-pacific/china-sanctions-pelosi-over-provocative-visit-taiwan-2022-08-05/. *See also* Paweł Paszak, *Retaliatory EU-China Sanctions Over Human Rights Violations in Xinjiang*, WARSAW INST. (Mar. 31, 2021), https://warsawinstitute.org/retaliatory-eu-china-sanctions-human-rights-violations-xinjiang/.

[5]*See Russia Hits Back at Western Sanctions with Export Bans*, BBC (Mar. 10, 2022), https://www.bbc.com/news/business-60689279.

[6]*Id.*

[7]*See Russia Bars Entry to Biden & Canada's Trudeau*, REUTERS (Mar. 15, 2022, 11:58 AM), https://www.reuters.com/world/russia-bars-entry-biden-canadas-trudeau-2022-03-15/.

[8]Emma Burrows, *The West has sanctioned Russia's rich. But is that really punishing Putin and helping Ukraine?* AP News (Dec. 6, 2023) https://apnews.com/article/russia-ukraine-war-sanctions-tycoons-fc2d9d2bba3e81f27b14f7e69a7df818

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B. Antagonizing Unilateral Coercive Measures: The China and Russia's Attitude in the UN fora

Notoriously, China and Russia are vocal opponents to sanctions other than those multilaterally imposed under UN auspices.[9] They repeatedly expressed the view that unilateral sanctions are to be regarded as an encroachment upon the UN Security Council's prerogatives in the realm of international peace and security, and as an attempt to leverage political and economic coercion in order to chiefly interfere in the internal affairs of other states. This was already evident in the context of the draconian sanctions programs set up to face multifaceted crises during the so-called "sanctions decade."[10] Following the *coup d'état* that occurred in Haiti in 1993, the Security Council decided on the imposition of sanctions.[11] China cautioned that it did not "approve of resorting lightly to such mandatory measures as sanctions by the Council," especially when it comes to dealing with matters falling within the internal affairs of a member state.[12]

Different reasons have prompted China and Russia to oppose this type of sanction. For instance, when the military junta cracked down on pacific protests in 2007, China affirmed that "sanctions will not help resolve the issue, but rather further complicate the situation' in relation with unilateral measures against Burma."[13] Echoing a similar sentiment, Russia pointed out that "threats, pressure and sanctions exerted from outside the country are counterproductive and will only hinder the effort to solve the problems facing the country today."[14] In other words, they risked undoing the steps towards facilitating dialogue and diplomatic solutions.

Much more recently, during a session convened at the behest of the Russian Federation to discuss the humanitarian impact of sanctions, its representative explained that unilateral measures also erect barriers to the mandate of humanitarian organizations. For example, fearing that their actions would run afoul of "national and sometimes extraterritorial effects," the private sector displays a wary posture towards entering into agreements for the delivery of humanitarian assistance authorized by the Security Council.[15] Moreover, citing the situation in the Democratic People's Republic of Korea (DPRK) as an example of such operational hurdles, the unilateral sanctions make it difficult for banks to carry out transactions and "resulted in widespread unwillingness to cooperate with it, even in those areas that are not subject to international restrictions."[16] In keeping with these observations, China cautioned that the members of the Security Council "should be all the more cognizant of the harm of unilateral sanctions imposed by certain countries ... in the glorified name of implementing Council sanctions," to the detriment of the authority and effectiveness of the UN body's sanctions themselves.[17] By putting interpretative emphasis on the illegality of unilateral sanctions in connection with the UN Charter, China added that the sanctions have "no basis in international law and are a concrete manifestation of hegemonism and power politics."[18]

During the adoption of Resolution 2761 in 2024, which has indefinitely extended the permanent humanitarian carve-out under Resolution 2664 to the 2253 ISIL (Da'esh) & Al-Qaeda

[9]*See* Congyan Cai, *China's Position and Practice Concerning Unilateral Sanctions*, *in* RESEARCH HANDBOOK ON UNILATERAL AND EXTRATERRITORIAL SANCTIONS 70, 74 (Charlotte Beaucillon ed., 2021).

[10]*See generally* THE SANCTIONS DECADE: ASSESSING UN STRATEGIES IN THE 1990S (David Cortright & George A. Lopez eds., 2000).

[11]U.N. SCOR, 47th Sess., 3238 mtg. at paras. 5, 6, 8, U.N. Doc. S/RES/841 (Jun. 16, 1993).

[12]U.N. SCOR, 47th Sess., 3238 mtg. at 19, U.N. Doc. S/PV.3238 (June 16, 1993).

[13]U.N. SCOR, 62d Sess., 5777th mtg. at para. 10, U.N. Doc. S/PV.5777 (Nov. 13, 2007).

[14]*Id.* at para. 14.

[15]*Id.* at 6.

[16]*Id.* at 7 ("We interpret the practice of using such restrictions as an infringement of the sovereignty of States and as interference in their internal affairs.").

[17]*Id.* at 10–11.

[18]*Id.* at 15, 17, 20, 22, 24, 27 (referring to Members from Gabon, Brazil, Kenya, Ghana, Mexico, and Venezuela, respectively).

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sanctions regime, the Russian statement went hand in hand with that delivered by the Chinese representative.[19] Expressing concern over the impact of unilateral sanctions on humanitarian efforts, the Chinese statement affirmed that, unlike UN sanctions, "illegal unilateral" measures are capable of creating a more severe and far-reaching disruption to humanitarian operations.[20] The sanctions also raised legal challenges for aid organizations, exacerbating the suffering in affected countries, and contributing to an increasingly untenable situation.[21]

In spite of the political and legal support for UN sanctions, Russia and China have also leveraged their permanent seats to cast vetos with respect to either the adoption or renewal of sanctions packages. For example, their refusal to support UN action with respect to Syria shows their reluctance to endorse UN sanctions when it is perceived as a threat to their geopolitical interests.[22] This episode showcased the internal frictions of the Security Council, with Russia and China routinely vetoing draft resolutions envisaging *inter alia* the application of sanctions under Article 41 of the UN Charter. In particular, because the EU had already initiated a series of sanctions, Russia opposed UN enforcement action in order to "not get involved with legitimizing previously adopted unilateral sanctions."[23]

China and Russia also casted vetos with respect to actions that strike at the heart of what they consider to be a matter of domestic rather than international concern. The UN sanctions regime against the DPRK is particularly instructive in this regard.[24] From the debates on draft resolutions, it can be inferred that, from the Chinese perspective, levying sanctions for the purposes of upholding human rights is a legal pretext, allowing western states to infringe upon the national sovereignty of the concerned state.[25] Indeed, the very first few words pronounced by its Permanent Representative at the beginning of the meeting aptly capture this line of reasoning: "China is always opposed to intervention by the Council on issues concerning human rights situation in any country."[26]

As an example of the failure to renew UN sanctions, the 2023 Mali episode is a case in point, in that Russia vetoed the decision to extend the targeted measures, *de-facto* terminating the sanctions regime at hand.[27]

Of relevance for the present inquiry is also the fact that opposition to unilateral sanctions is consistently maintained by Russia and China in other UN bodies, first and foremost in the UN General Assembly. During general debates, China firmly asserted that it "does not interfere in the internal affairs of other countries or impose its will on others, and does not allow outside forces to interfere in its internal affairs."[28] When discussing the U.S. embargo on Cuba, it stressed again its

[19]U.N. SCOR, 79th Sess., 9802d mtg. at 3–5, U.N. Doc. S/PV.9802 (Dec. 6, 2024).

[20]*Id.* at 5.

[21]*Id.*

[22]Angela Poh, *China's Approach to Multilateral Sanctions*, *in* MULTILATERAL SANCTIONS REVISITED: LESSONS LEARNED FROM MARGARET DOXEY 65, 68 (Andrea Charron & Clara Portela eds., 2022) (describing an important moment that signaled a shift in the policy was the Libya sanctions regime, with the Chinese representative casting abstention for the later-adopted Resolution 1973).

[23]U.N. SCOR, 66th Sess., 6627th mtg. at 5, U.N. Doc. S/PV.6627 (Oct. 4, 2011). *See* MARTIN DAWIDOWICZ, THIRD-PARTY COUNTERMEASURES IN INTERNATIONAL LAW 220–29 (2017).

[24]U.N. SCOR, 70th Sess., 7575th mtg., U.N. Doc. S/PV 7575 (Dec. 10, 2015).

[25]*Id.* at 2.

[26]*Id.* at 14 (asserting that human rights do not "fall within the mandate of the Security Council and should be taken up in the specialized bodies, above all in the Human Rights Council."). *See* Cai, *supra* note 9, at 70 (highlighting research that suggests "the increased relevance of international circumstances to Chinese state interest has prompted the Chinese government to utilize UN sanctions among other means to prevent serious threats to its state interests.").

[27]Press Release, Security Council, Veto by Russian Federation Results in Security Council's Failure to Renew Travel Ban, Asset Freeze Against Those Obstructing Mali Peace Agreement, U.N. Press Release SC/15399 (Aug. 30, 2023). Permanent Representative of Ecuador, Letter dated Jan. 27, 2023 from the Permanent Representative of Ecuador addressed to the President of the Security Council, U.N. Doc. S/2023/68 (Jan. 27, 2023).

[28]H.E. Yang Jiechi, Minister of Foreign Aff. of the People's Republic of China, Address at United Nations General Debate of the 67th Session of the UN General Assembly (Sep. 27, 2012) (transcript available on the Embassy of the People's Republic of

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opposition "to any unilateral sanctions against other countries by military, political, economic or other means."[29]

More importantly, since 1996, the question of unilateral sanctions commenced gaining increasing traction at the UN General Assembly. Under Resolution 51/22, the UN body urged states not to "recognize unilateral extraterritorial coercive economic measures or legislative acts," while calling for the repeal of such extraterritorial law that affect legal entities and individuals of other states.[30]

In addition, the General Assembly has routinely adopted resolutions on unilateral sanctions and human rights, which have China and Russia among the signatoriesits penholders.The most recent resolution has urged states to refrain from resorting to and implementing any "unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of sustainable economic and social development, particularly in developing countries."[31] On the very same day, and relatedly, the General Assembly also adopted Resolution 79/168 pertaining to the "Promotion of a democratic and equitable international order." The General Assembly voiced concerns over the "continued abuse by Member States of the extraterritorial application of their national legislation," as it affects "the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights."[32]

China and Russia have also joined the Group of Friends in Defense of the Charter of the United Nations, which has been issuing political declarations on a series of issues, including unilateral coercive measures.[33] The group, which currently consists of eighteen members, expressed "categorical rejection of all unilateral coercive measures, including those applied as tools for political or economic and financial pressure against any country, in particular, but not exclusively, against developing countries."[34]

What it also of interest to observe is that their stances voices. African states have long voiced their intention to apply "African sanctions" while expressing criticism over extra-continental interference. By way of example, with regard to Democratic Republic of the Congo (DRC), the African Union Peace and Security Council has "condemned the extra-continental interferences in AU [African Union] Member States affairs, in particular, the unilateral practice of targeted sanctions against Congolese personalities by non-African organisations and countries."[35] The attempt to resist the imposition of unilateral sanctions is the result of the developed-developing country polarity. In 2014, under the Human Rights Council Resolution 27/21, developing states took the view that unilateral sanctions contravene international law on several grounds, in

China in the Lao People's Democratic Republic website), https://la.china-embassy.gov.cn/eng/news/201209/t20120928_1546874.htm.

[29]Wang Min, Deputy Permanent Representative of the People's Republic of China, Address at 67th Session of the UN General Assembly on Agenda Item 41 (Nov. 13, 2012) (transcript available on the Permanent Mission of the People's Republic of China to the UN website) ("Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba."), https://un.china-mission.gov.cn/eng/chinaandun/economicdevelopment/201211/t20121114_8411845.htm. *See* Jeffrey A. Meyer, *Second Thoughts on Secondary Sanctions*, 30 Univ. Pa. J. Int'l L. 905, 932–34 (2009) (discussing the U.S. secondary sanctions); Nigel D. White, The Cuban Embargo Under International Law: El Bloqueo (2015) (discussing the blockade).

[30]G.A. Res. 51/122, paras. 2–3 (Dec. 6, 1996).

[31]G.A. Res. 79/168, para. 2 (Dec. 17, 2024).

[32]*Id.* at para. 8.

[33]*See* Group of Friends in Defense of the Charter of the United Nations, https://www.gof-uncharter.org/.

[34]Permanent Representative of the Bolivarian Republic of Venezuela, Letter dated Sept. 22, 2023 from the Permanent Representative of the Bolivarian Republic of Venezuela addressed to the Secretary-General of the United Nations, U.N. Doc. A/78/381, at 3 (Sep. 22, 2023).

[35]Communiqué, Peace & Sec. Council of the Afr. Union (AU), PSC/PR/COMM.(DCCXII), para. 11 (Aug. 23, 2017).

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particular the UN Charter, international humanitarian law, and "the norms and principles governing peaceful relations among States."[36] Consequently, they condemned the political and economic pressure resulting from such sanctions, which is meant to deprive developing states of "their right to decide, of their own free will, their own political, economic and social systems."[37] In 2015, the Chinese Permanent Representative reiterated China's stance, urging the international community to pay close attention to and firmly reject unilateral coercive measures.[38] China called on the relevant countries to put an end to such actions, which interfere in the internal affairs of sovereign states, hinder their economic and social progress, and obstruct the realization of their right to development.[39]

Moreover, the Non-Aligned-Movement succeeded in creating the role of the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights under the UN Human Rights Office of the High Commissioner.[40] The first Special Rapporteur, Idriss Jazairy, took a broad understanding, stating that he would "consider as unilateral coercive measures, measures other than those taken by the Security Council under article 41 of the Charter of the United Nations."[41]

It follows that unilateral sanctions constitute fertile terrain where third world positions on international law have grown. As Professor Bâli compellingly argues, the economic dominance of the Global North states, rooted in "a legacy of colonial extraction," has long allowed them to impose their preferences through coercive means.[42] In contrast, these same structural asymmetries have left Global South states especially vulnerable, as their comparatively weaker economies are more susceptible to punitive measures.[43] Importantly, China and Russia consider themselves to be among such developing countries.[44] As it will be noted, what sets these two states apart from the Global South is that they are becoming increasingly able to exert counter-pressure by imposing sanctions against the sanctions initiators.

With respect to the scope of sanctions, China and Russia display a remarkably different position from the EU, U.S. and other traditional sanctioning countries. China and Russia regard UN sanctions as a ceiling, whereas others treat them as a floor.[45]

Outside the UN context, China and Russia's position can be understood as part of a broader effort to deligitimize coercive measures, based on two cardinal principles of international law: state sovereignty and non-interference in internal affairs.[46] In the next section, this Article will succinctly thrust light on the notion of international law as perceived by these two States and how it intertwines with sanctions theories.

[36]*See* Human Rights Council Res. 27/21, U.N. Doc. A/HRC/RES/27/21, at para. 1 (Oct. 3, 2014).

[37]*Id.*

[38]Rep. of the Hum. Rts. Council on Its 30th Session, U.N. Doc. A/HRC/30/2 (Mar. 13, 2015).

[39]*Id.*

[40]*Special Rapporteur on Unilateral Coercive Measures*, UN Human Rights Council (last accessed May 6, 2026), https://www.ohchr.org/en/special-procedures/sr-unilateral-coercive-measures.

[41]Idriss Jazairy, Rep. of the Special Rapporteur on the Negative Impact of Unilateral Coercive Measures on the Enjoyment of Hum. Rts., U.N. Doc. A/HRC/30/45, para. 14 (Aug. 10, 2015).

[42]AsIı Bâli, *Weapons Against the Weak: International Law and the Political Economy of Coercion*, YALE J. INT'L L. ONLINE 1, 3 (June 12, 2024), https://yjil.yale.edu/posts/2024-06-12-weapons-against-the-weak-international-law-and-the-political-economy-of-coercion.

[43]*Id.* at 4–6.

[44]*See* LAURI MÄLKSOO, RUSSIAN APPROACHES TO INTERNATIONAL LAW 70 (2015) (demonstrating that the way Russia conceptualizes international economic law resembles those of the Third World countries).

[45]*See* Enrico Carisch & Loraine Rickard-Martin, *Implementation of United Nations Targeted Sanctions*, *in* TARGETED SANCTIONS: THE IMPACTS AND EFFECTIVENESS OF UNITED NATIONS ACTION 150, 150 (Thomas J. Biersteker, Sue E. Eckert & Marcos Tourinho eds., 2016). *See also* Poh, *supra* note 22, at 65.

[46]*See* AsIı Bâli, Ntina Tzouvala & Chisato Kimura, *Third World Approaches to International Law & Economic Sanctions*, YALE J. INT'L L. ONLINE (June 7, 2024), https://yjil.yale.edu/posts/2024-06-07-third-world-approaches-to-international-law-economic-sanctions.

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C. The Interplay Between International Law and Sanctions in the Sino-Russian Narratives

In order to better grapple with opposition to unilateral sanctions, one has to look at how China and Russia have traditionally approached international law. From a legal perspective, the intense contestation of unilateral sanctions is rooted in the alleged breach of the principle of non-intervention.[47] Together with the respect for national sovereignty, this principle is usually referred to as a "generally recognized principle and rule of international law," and it is invoked for refute unilateral sanctions, whose utilization exhibits a pattern "of double standards or imposition by some States of their will on other States."[48]

Such a stance is not without legal basis. Suffice it to recall that, according to the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States, "no State may use or encourage the use of unilateral economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights unilateral economic sanctions violate the sovereignty of the target."[49] The 1974 Charter of Economic Rights and Duties of States stipulated a similar principle.[50] After affirming that the relations among States are *inter alia* centered on sovereignty and non-intervention, it proclaimed that "[n]o State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights."[51]

Both Russia and China have historically championed a state-centric vision of international law. For Russia, this has meant a focus on strict formalism: the primacy of state sovereignty, and the insistence that only the UN Security Council has the authority to impose sanctions.

History may help explain Russia's consistent rejection of any forms of coercion and interferences in internal affairs.[52] Following the 1917 revolution, Soviet Russia initially retreated from Western relations, only to re-emerge after World War II as a leading voice of the anti-colonial and anti-Western bloc in international law.[53] Russia has since regarded liberal international order as a tool for Western dominance. For instance, Russia remains deeply critical of doctrines such as humanitarian intervention and the Responsibility to Protect, arguing that they may serve as pretexts for external interference in the internal affairs of sovereign states.[54]

For these reasons, state sovereignty constitutes the backbone of international law in Russia. The bearer of sovereignty is the Russian federation—the state—not individuals. Reflecting this stance, Moscow has, in recent years, reaffirmed the amacy of domestic constitutional law over international obligations, as seen in the rulings by the Constitutional Court rejecting the binding force of certain decisions from the European Court of Human Rights.[55]

[47]*See* Alexandra Hofer, *The Developed/Developing Divide on Unilateral Coercive Measures: Legitimate Enforcement or Illegitimate Intervention?*, 16 Chinese J. Int'l L. 175, 175 (2017). *See also* Marco Roscini, International Law and the Principle of Non-Intervention: History, Theory, and Interactions with Other Principles 152–83 (2024).

[48]Declaration of the Russian Federation and the People's Republic of China on the Promotion of International Law, Russ.-China, June 25, 2016, https://www.mid.ru/en/foreign_policy/news/1530748/.

[49]G.A. Res. 2625(XXV), U.N. Doc. A/RES/25/2625 (Oct. 24, 1970).

[50]G.A. Res. 3281(XXIX), Charter of Economic Rights and Duties of States (Dec. 12, 1974).

[51]*Id.* art. 1(a), 1(d), 32.

[52]*See* Elena Katselli Proukaki, The Problem of Enforcement in International Law: Countermeasures, the Non-Injured State and the Idea of International Community 94 (2010).

[53]*See id.* at 72–73.

[54]*See generally* Derek Averre, Lance Davies, *Russia, Humanitarian Intervention and the Responsibility to Protect: The Case of Syria*, 91 Int'l Affs. 813 (2015).

[55]*See* Lauri Mälksoo, *Russia's Constitutional Court Defies the European Court of Human Rights*, 12 Eur. Const. L. Rev. 377, 377 (2016).

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Interestingly, within academic circles, this position is underpinned by a persistent distinction between "native" (*otechestvennaya*) and "foreign," typically Western, doctrines of international law.[56] Nearly all contemporary Russian legal scholarship maintains this dichotomy, with international legal discourse framed primarily through the lens of "native doctrine."[57] A particularly illustrative example is the widely used textbook published by the Diplomatic Academy of the Ministry of Foreign Affairs.[58] In this work, the authors argue that, while Western legal doctrine interprets the principle of non-intervention narrowly, Russia's native doctrine adopts a far broader reading, one that reinforces the state's right to shield its internal affairs from external scrutiny.[59] This insistence on a sovereign-centered legal order, supported by a domestic jurisprudential tradition, continues to inform and justify Russia's posture in international legal debates.

China has expressed similar views, anchored in its long-held Five Principles of Peaceful Coexistence: mutual respect for sovereignty, non-aggression, non-interference, equality, and peaceful coexistence.[60] These principles continue to inform Beijing's legal posture on the international stage. Historically, China has preferred bilateral diplomacy and negotiation over legal confrontation, particularly in matters touching on its core interests, such as territorial sovereignty This approach is evident in its selective engagement with international legal mechanisms—while participating in institutions when strategically beneficial, China has often rejected binding adjudication, most notably refusing to recognize the 2016 arbitral tribunal ruling under the United Nations Convention on the Law of the Sea (UNCLOS) framework concerning the South China Sea.[61]

Chinese officials have criticized international law as a construct that historically served colonial and imperialist interests at the expense of developing nations.[62] This viewpoint stems from a strong anti-colonial stance and is anchored in a precise moment of Chinese history back in the middle of the nineteenth century which, according to the Chinese narrative, marked the beginning of the "hundred years of humiliation."[63] Beijing now routinely expresses rhetorical support for international legal norms, including human rights, while simultaneously advancing the interpretations that align with its domestic political and ideological priorities.[64] This includes justifying internal policies in Tibet, Xinjiang, and Hong Kong, as well as restrictions on expression, religion, labor rights, and civil society, under the broader banner of national stability and sovereignty.[65]

[56]Mälksoo, *supra* note 44, at 88.

[57]Mezhdunarodnoe Pravo [International Law] (A. A. Kovalev & S. V. Chernichenko eds., 3rd ed. 2008) (Russ.).

[58]*Id.*

[59]*Id.* at 18.

[60]U.N. SCOR, 45th Sess., 2933d mtg. at 28, U.N Doc. S/PV. 2933 (Aug. 6, 1990) (invoking these principles when discussing the adoption of UNSC Resolution).

[61]*Spokesperson: China Neither Accepts nor Recognizes So-called Award on South China Sea Arbitration Xinhua*, The State Council Information Office, The People's Republic of China, (Jul. 13, 2023), https://english.scio.gov.cn/pressroom/2023-07/13/content_92131216.htm.

[62]Xue Hanqin, Chinese Contemporary Perspectives on International Law: History, Culture, & International Law 23 (2012).

[63]*See* Congyan Cai, The Rise of China and International Law: Taking Chinese Exceptionalism Seriously 41 (2019). *See also* Wang Tieya, *International Law in China: Historical and Contemporary Perspectives*, *in* The Hague Acad. Collected Courses Online 195, 221 (1990) (noting that China "advocated traditional principles of international law, and especially the principle of non-intervention in the internal affairs of sovereign states.").

[64]*See* Robert D. Williams, *International Law with Chinese Characteristics: Beijing and the 'Rules-Based' Global Order*, Brookings Institution 7–8 (2020), https://www.brookings.edu/wp-content/uploads/2020/10/FP_20201012_international_law_china_williams.pdf.

[65]*See China: Events of 2019*, Human Rights Watch (2020), https://www.hrw.org/world-report/2020/country-chapters/china-and-tibet. *See also China 2019*, Amnesty International (2020), https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/.

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Beijing's engagement with human rights law is therefore particularly illustrative of this tension.[66] At the UN Human Rights Council and other fora, Chinese representatives have repeatedly emphasized the principle of non-interference, arguing that international concern over domestic human rights issues constitutes a violation of state sovereignty.[67] As one delegate declared, the international community must "firmly adhere to the purposes and principles of the Charter of the United Nations and refrain from interfering in other countries' internal affairs under the pretext of human rights."[68] President Xi Jinping has echoed this stance, calling for a "community of shared future for mankind" while warning against "double standards" and the selective application of international norms.[69]

In this context, China is not rejecting international law, especially in the face of what scholars perceive as "declining state sovereignty" in an era of transnational challenges.[70] By doing so, China attempts to shape the evolution of international law in ways that reinforce regime stability and limit the scope of external scrutiny, particularly on sensitive issues like human rights and territorial integrity.

In both cases, international law has been treated less as a system of norms and more as a pragmatic instrument to shield domestic sovereignty. This is not to say that they did not contribute to the establishment of international law. Studies have proven above any doubt that not only the West but other communities have significantly contributed to the idea of an international legal order.[71]

The adoption of these approaches into international law in the domain of sanctions reveals an interesting finding. General theories on sanctions postulate that one way to look at this instrument is through reactive lens: sanctions are resorted to as a way of reacting against a breach of international obligations, including *erga omnes* and *erga omnes partes* ones.[72] In this case, states applying sanctions see themselves as *guardians* of the international legal order.

At the other end of the spectrum, unilateral sanctions are aimed at preserving the international system, whose balance is undermined by certain actions and conducts. To restore such a balance, a variety of measures can be employed, including sanctions.[73]

Applying such categorizations to China and Russia, it can be observed that they fit neither category. To the contrary, not only have they thus far refrained from imposing sanctions with a view to protecting communal interests, but they also oppose and contest the geopolitical and legal order as being Western-centered.[74] The overwhelming majority of Russian scholars are still convinced that international law is made of bilateral threads, which explains why countermeasures

[66]*See* José E. Alvarez, The Impact of International Organizations on International Law 389 (2016).

[67]Wang Min, Ambassador, UN, Statement by Ambassador Wang Min at the Third Committee of the 67th Session of the General Assembly on Human Rights (Nov. 8, 2012) (transcript available on the Permanent Mission of the People's Republic of China to the UN website), https://un.china-mission.gov.cn/eng/chinaandun/socialhr/rqwt/201211/t20121109_8418010.htm

[68]*Id. See* also Hanqin, *supra* note 62, at 160–67.

[69]Björn Ahl, *Chinese Law and International Treaties*, 39 Hong Kong L.J. 735, 737–39 (2009).

[70]Hanqin, *supra* note 62, at 68–120.

[71]*See generally* Roberto Ago, *Pluralism and the Origins of the International Community*, 3 Italian Y.B. Int'l L. 30 (1977); Mälksoo, *supra* note 44; Andrea Bianchi, International Legal Theories: An Inquiry Into Different Ways of Thinking (2017).

[72]*See* Flavia Lattanzi, *Sanzioni internazionali* [*International Sanctions*], *in* XLI Enciclopedia del diritto [Encyclopedia of Law] 536, 555–57 (Francesco Santoro-Passarelli ed., 1989) (It.).

[73]*See* Georges M. Abi-Saab, *De la sanction en droit international: Essai de clarification* [*On Sanctions in International Law: An Attempt at Clarification*], *in* Theory of International Law at the Threshold of the 21st Century: Essays in Honour of Krzysztof Skubiszewski 61, 62–63, 70–72 (Jerzy Makarczyk ed., 1996) (It.).

[74]In particular, the international order that emerged in the aftermath of the Cold War and has since been characterized by the so-called *Pax Americana*. *See Speech by Vladimir Putin 2007*, Munich Security Conference (2007), https://securityconference.org/en/publications/books/selected-key-speeches-volume-i/2000-2009/speech-vladimir-putin-2007/.

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to uphold *erga omnes* values are entirely absent in Russian toolkit of foreign policy.[75] As noted in the academic literature, Russia considers non-UN sanctions as measures to underpin a world order which essentially revolves around Western values.[76]

Relatedly, it can be observed that another reason as to why China and Russia emerged as vocal opponents to unilateral sanctions is that they themselves were targeted by unilateral sanctions much like other developing states.[77] When the U.S. and EU began imposing sanctions on Russia in 2014, President Vladimir Putin publicly denounced these measures as contrary to international law, asserting that sanctions are only legitimate when authorized by the UN Security Council.[78] It comes with no surprise that the Concept of the Foreign Policy of the Russian Federation, approved by President Putin on February, 12 2013, emphasized the "primacy of international law, including, first of all, the UN Charter."[79] Specifically, the Foreign Policy Concept postulated that "attempts to manage crises through unilateral sanctions and other coercive measures, including armed aggression, outside the framework of the UN Security Council" represented a threat to international peace and stability.[80]

Given that China and Russia are not accustomed to imposing sanctions and have themselves been subject to such measures, it is unsurprising that they regard sanctions as incompatible with the UN Charter—in fact, sanctions unilaterally imposed *de-facto* bypass the UN Security Council, which is the international forum where both China and Russia hold permanent seats and veto power.

In light of the foregoing, one might have expected these States to keep unilateral sanctions at a safe distance and the story would end here. To the contrary, especially in light of recent practice, China and Russia are growing increasingly comfortable with sanctions, which form part and parcel of a more diversified foreign policy toolbox.

D. First Instances of Russia and China's Sanctions in Contemporary Practice

The aim of this section is to take stock of how Russia and China quietly began issuing sanctions. It will be noted that, while China has initially resorted to informal or "tacit sanctions," the events in Crimea prompted the Russian Federation to take a step towards enacting a food embargo in order to respond to EU sanctions in 2014.[81] This difference may help explain the different pace and modalities at which China and Russia will institutionalize the use of sanctions. Russia's adoption of sanctions frameworks has been faster and more extensive, largely because it needed to face the immediate and overwhelming pressure of Western sanctions following the invasion of Ukraine. For Moscow, sanctions are a matter of economic survival and geopolitical resistance, making their institutionalization urgent. China, by contrast, has proceeded more gradually, reflecting both its relative insulation from comparable sanctions pressure and its longstanding caution in presenting itself as a defender of sovereignty and non-interference. Beijing's

[75] *See* Mergen G. Doraev, *The "Memory Effect" of Economic Sanctions Against Russia: Opposing Approaches to the Legality of Unilateral Sanctions Clash Again*, 37 UNIV. PA. J. INT'L L. 355, 356, 390–94 (2015) (providing a detailed account of the Soviet legal scholarship on unilateral coercive measures).

[76] *See* Anna Miromanova, *Russia's Approach to Multilateral Sanctions*, *in* MULTILATERAL SANCTIONS REVISITED: LESSONS LEARNED FROM MARGARET DOXEY 51, 51 (Andrea Charron & Clara Portela eds., 2022) (explaining how when construed in this light, the war Russia has been waging against Ukraine can be regarded as a projection of such symptomatic contestation, whose ultimate goal is to reshape the international order or bring about an alternative one).

[77] *See* Doraev, *supra* note 75, at 360–63. *See also* Cai, *supra* note 9, at 79–80.

[78] *G20 Summit: Russia Sanctions "Undermine Trade" – Putin*, BBC NEWS (Nov. 14 2014), www.bbc.co.uk/news/world-europe-30051352.

[79] Concept of the Foreign Policy of the Russian Federation, Ministry of Foreign Affs. of the Russ. Fed'n, Feb. 12, 2013, Doc. No. 303-18-02-2013, para. 4(c), https://www.ieee.es/Galerias/fichero/OtrasPublicaciones/Internacional/Concept_of_the_Foreign_Policy_of_the_Russian_Federation_2013.pdf (Russ.).

[80] *Id.* at para. 15.

[81] *See infra* Section D(II).

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sanctioning toolkit has therefore expanded incrementally, often in direct response to U.S. actions on trade, Taiwan, and human rights, rather than through the wholesale escalation seen in the Russian case.

I. China's Use of "Tacit" Sanctions

The first examples of tacit sanctions emerged as consequence of China exploitating its economic force to advance political agendas, pursue foreign policy objectives, and defend its own interests—such as countering the supply of arms to Taiwan or maritime disputes in the South China Sea.[82] Two features characterized them—they are "more bark than bite" and are relatively "short-lived," functioning more as political signals than sustained trade restrictions.[83] Rather than openly announce economic retaliation, China often opted to imply future consequences, using limited restrictions to express dissatisfaction and warn of potentially more severe responses if the offending behavior continues. A couple of examples will help illustrate the matter at hand.

Following the award of the Nobel Peace Prize to Chinese dissident Liu Xiaobo in 2010, an act sharply condemned by Beijing, Norway became the target of informal economic retaliation.[84] Chinese authorities did not announce formal sanctions but rather imposed stringent customs inspections and prolonged quarantine procedures on Norwegian salmon, citing vague health and safety concerns.[85] The targeting was highly selective—salmon is a luxury consumer good, non-essential to Chinese supply chains, and easily replaceable with domestic or non-Norwegian imports.[86] At no point did China extend restrictions to goods whose absence would materially impact its domestic production sectors.

In 2012, during heightened tensions with the Philippines over competing territorial claims in the South China Sea, Chinese authorities abruptly tightened customs inspections and imposed new entry restrictions on Philippine bananas.[87] These measures, introduced in late March, were never officially labelled as sanctions, but their timing and selective application made the political message unmistakable. At the time, China was the Philippines' third-largest export market and one of the most significant importers of Filipino bananas, accounting for approximately fourteen percent of total exports. Instead of expressly declaring the application of a trade embargo, Chinese authorities framed the import restrictions as sanitary threats—the agricultural products did not meet the Chinese sanitary regulations.[88]

In more assertive cases, Chinese trade coercion has taken the form of export restrictions, cutting off targeted countries from access to Chinese goods. One notable instance is China's temporary suspension of rare earth exports to Japan in 2010.[89] This rare use of export controls underscores Beijing's typical reluctance to employ measures that might jeopardize its own economic interests unless the geopolitical stakes are deemed particularly high.[90]

[82]*See, e.g.*, Zou Keyuan, *Navigation in the South China Sea: Why Still an Issue?*, 32 Int'l J. Marine & Coastal L. 243, 244 (2017).

[83]James Reilly, *China's Unilateral Sanctions*, 35 Wash. Q. 121, 123 (2012).

[84]*See generally* Xianwen Chen & Roberto Javier Garcia, *Economic Sanctions and Trade Diplomacy: Sanction-Busting Strategies, Market Distortion and Efficacy of China's Restrictions on Norwegian Salmon Imports*, 30 China Info. 29 (2016).

[85]*Id.*

[86]*Id.*

[87]*See* Wuthiya Saraithong, *Trade Restriction Rationale for Food Safety Implementation: Evidence from Southeast Asian Countries*, 6 Cogent Econs. & Fin. 1, 1 (2018).

[88]*Id.*

[89]Peter Harrell, Elizabeth Rosenberg & Edoardo Saravalle, *China's Use of Coercive Economic Measures*, Ctr. New Am. Sec. 5 (2018), https://s3.us-east-1.amazonaws.com/files.cnas.org/documents/China_Use.pdf.

[90]*Id.* at 15.

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Admittedly, the strategy of silently applying economic coercion provided Chinese policy makers with wide leeway to deny the imposition of sanctions.[91] In fact, one of the contemporary features of sanctions is the insertion of the target in a publicly released blacklist.

Although contradictory *prima facie*, this approach in reality perfectly aligns with China's stance taken within the UN—as antagonist to unilateral sanctions, China "rarely openly declares its economic sanctions."[92] Moreover, China relied on these types of measures because it has never established a broad legal regime to implement sanctions and trade controls.[93] In this way, China's approach can co-exist with its long-standing opposition to unilateral coercive measures in international fora. In terms of aims it sought to achieve, China intended to chiefly convey diplomatic signals, rather than apply prolonged or forceful economic coercion. This aligns with China's traditional preference for diplomatic means over coercion to settle international disputes.[94]

II. Countering Western Sanctions: Russian "Special Economic Measures"

Following the dissolution of the Soviet Union, Russia, like China, began to utilize informal economic pressure to exert influence over its immediate neighbourhood.[95] These measures, while not always officially labelled as sanctions, functioned as instruments of political leverage, aimed at preserving regional influence, and asserting Moscow's interests in the post-Soviet space. For example, Russia applied various forms of economic pressure on Kazakhstan, including the imposition of restrictive transit quotas and elevated pipeline fees for oil exports, curtailments in natural gas purchases, and delayed payments for key Kazakh exports such as coal.[96] Russia also withdrew military and technical personnel from strategically sensitive installations under negotiation, such as space and defense facilities, using their presence as a bargaining chip in broader bilateral discussions.[97]

In the case of Turkmenistan, Moscow reduced or delayed deliveries of essential goods, such as foodstuffs and industrial equipment, particularly those needed for the energy sector, while also significantly cutting volumes in bilateral trade, thereby placing economic pressure on Ashgabat to align more closely with Russian expectations.[98]

Perhaps most acutely, Ukraine experienced sustained and multifaceted pressure from Russia during the early years of its independence. With its economy heavily dependent on Russia, relying on it for approximately 89% of its crude oil and 56% of its natural gas imports, Ukraine was especially susceptible to economic coercion.[99] In this context, Russia implemented measures that severely disrupted Ukraine's energy supplies and trade flows, taking advantage of Kyiv's debt obligations and energy dependency.[100]

Relevant research opined that, in this historical period, "Russia's government still hesitate[d] to invoke its economic sanctions legislation to justify the trade restrictions it place[d] on Russia's

[91] *See id.* at 12 (explaining that "plausible deniability and greater flexibility" are two sides of the same coin when it comes to Chinese tacit sanctions).

[92] Reilly, *supra* note 83, at 123.

[93] *See* Section E(I).

[94] *See* Cai, *supra* note 63, at 119–25.

[95] *See generally* Bidzina Lebanidze & Kornely Kakachia, *The Price of Coercion: Economic Considerations in Russia's Foreign Policy,* 17 J. Eurasian Stud. 72 (2025).

[96] *See* Bruce W. Jentleson, Sanctions: What Everyone Needs to Know 153–54 (2022).

[97] *Id.*

[98] *Id.*

[99] *See* Simon Pirani, *Russo-Ukrainian Gas Wars and the Call on Transit Governance*, *in* Dynamics of Energy Governance in Europe and Russia 169, 169 (2012).

[100] *Id.*

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neighboring states," aligning its stance with the Chinese tacit sanctions—certain products were banned as they are at odds with Russian sanitary or other technical regulations.[101] In 2006, in the aftermath of Georgia's pro-Western political shift following the Rose Revolution, Russia imposed a sweeping ban on the import of key Georgian agricultural products, including wine, mineral water—notably Borjomi—and fresh fruits.[102] These goods represented a substantial portion of Georgia's export portfolio, with Russia serving as the primary market for many of them at the time.[103] While Russian authorities cited health and safety concerns as the official justification for the ban, the timing and scope of the restrictions strongly suggested a politically motivated response to Georgia's increasing orientation toward Euro-Atlantic institutions and its growing estrangement from Moscow's sphere of influence.

In addition, the Anti-Magnitsky law provides a useful foil for illustrating the symmetrical nature of the Russian response.[104] In 2012, the U.S. Congress passed the Magnitsky Acts, named after Sergei Magnitsky, a Russian lawyer who died in a Moscow prison after exposing government corruption.[105] The law allows the U.S. to impose visa bans and asset freezes on individuals involved in human rights abuses and significant corruption, initially targeting Russian officials.[106] In response, Russia enacted its own law in 2012, banning U.S. citizens from adopting Russian children and creating a blacklist to freeze the assets and deny entry in Russia of American officials.[107]

A change of approach can be perceived in 2014.[108] The events that unfolded in Crimea have led to the imposition of smart sanctions, including travel ban and asset freezes, by the U.S. and EU.[109] Shortly thereafter, the EU implemented a broader package of trade restrictions. Under Council Decision 2014/512/CFSP, European companies were prohibited from exporting specific categories of goods to Russia and from investing in or purchasing certain Russian assets.[110] These measures

[101]Doraev, *supra* note 75, at 399.

[102]*Russian Wine Move Draws Protests*, BBC News (Mar. 30 2006), https://news.bbc.co.uk/2/hi/europe/4860454.stm

[103]*Id.*

[104]Federal'nyĭ Zakon RF o sanktsiyakh v otnoshenii lits, narushayushchikh osnovnyye prava i svobody grazhdan Rossiyskoy Federatsii [Federal Law of the Russian Federation on Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation], Sobranie Zakonodatel'stva Rossoiĭskoĭ [SZ RF] [Russian Federation Collection of Legislation] 2012, No. 52, p. 1, art. 7597 (Russ.).

[105]*See* Sergei Magnitsky Rule of Law Accountability Act of 2012, S. 1039, 112th Cong. (2012) (introduced).

[106]*Q&A: The Magnitsky Affair,* BBC News (July 11, 2013), https://www.bbc.com/news/world-europe-20626960

[107]*See* О мерах воздействия на лиц, причастных к нарушениям основополагающих прав и свобод человека, прав и свобод граждан Российской Федерации [Federal Law on Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation], Sobranie Zakonodatel'stva Rossiĭskoĭ Federatsii [SZ RF] [Russian Federation Collection ofLegislation] Dec. 28, 2012, No. 272-FZ (Russ.).

[108]*See* Kamil Całus, Commentary, *Russian Sanctions Against Moldova: Minor Effects*, *Major Potential*, Ctr. E. Stud. 1, at 2-5 (2014), https://www.osw.waw.pl/sites/default/files/commentary_152.pdf (explaining how Russia reacted to Moldova's alliance with the EU by imposing a series of economic restrictions on Moldovan exports, especially in agriculture and wine sectors). *See also* Ivan N. Timofeev, *Unilateral and Extraterritorial Sanctions Policy: The Russian Dimension*, *in* Research Handbook on Unilateral and Extraterritorial Sanctions 90, 94–102 (Charlotte Beaucillon ed., 2021) (noting that the West, mostly the U.S. and EU, has sanctioned Russia on diverse grounds, like involvement in the Ukrainan crisis, interfernce with elections, initiating cyber-attacks on human rights and pipeline projects, including Nord-stream-2); Richard Connolly, Russia's Response to Sanctions: How Western Economic Statecraft is Reshaping Political Economy in Russia x (2018).

[109]For U.S. sanctions, see Exec. Order No. 13660, 31 CFR § 589.201(a)(1) (2014); Exec. Order No.13661, 31 CFR § 589.201(a)(2)-(3) (2014); Exec. Order No. 13662, 31 C.F.R. § 589.201(a)(4) (2014). For EU sanctions, see Council Decision 2014/145/CFSP of Mar. 17, 2014, Concerning Restrictive Measures in Respect of Actions Undermining or Threatening the Territorial Integrity, Sovereignty and Independence of Ukraine, 2014 O.J. (L 78) (EC); Council Decision 2014/512/CFSP of July 31, 2014, Concerning Restrictive Measures in View of Russia's Actions Destabilising the Situation in Ukraine, 2014 O.J. (L 229) (EC). *See generally* Alexandra Hofer, *The 'Curiouser and Curiouser' Legal Nature of Non-UN Sanctions: The Case of the US Sanctions Against Russia*, 23 J. Conflict & Sec. L. 75 (2018).

[110]Council Decision 2014/512/CFSP, at para. 10.

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targeted key sectors of the Russian economy, particularly finance, energy, and defense, and were designed to increase economic pressure on Moscow.[111]

On the other side of the Atlantic, the United States introduced what it termed a "third wave" of sanctions on July 17, 2014.[112] The U.S. Treasury Department announced restrictions that barred American individuals and entities from providing new financing to two major Russian financial institutions and two prominent energy companies, thereby curtailing their access to U.S. capital markets.[113] The U.S. response did not go unnoticed by Russia. First, it adopted tit-for-tat measures, restricting access to the Russian territory to a series of blacklisted U.S. and EU individuals.[114] In addition, and more importantly, it blocked the import of certain products, imposing a trade embargo.[115] Before addressing its content, a preliminary point should be adequately stressed. To justify trade restrictions and the ensuing change of economic policy in response to the Western sanctions, Russian authorities portrayed them as necessary for the securitization of the economy, especially from 2014 onwards.[116] In this way, it was easier for the policy makers to invoke independence and national sovereignty *vis-à-vis* external coercive measures as grounds for adopting domestic measures—sanctions.[117] It is important to stress that national security is at the heart of one of the most relevant laws for the purposes of the present study—The Use of Certain Special Economic Measures for the Purposes of National Security Assurance of the Russian Federation.

Under the Russian legal order, Article 1194 of the Civil Code of the Russian Federation provides the legal basis for applying retaliatory measures in response to similar measures from other states against Russian citizens and legal persons.[118] In 2006, on the basis of this provision, the Russian legislature enacted the Federal Law on Special Economic Measures (SEMs).[119] The legislature strategically labeled these measures as "special economic measures."[120] Under Article 1(1), the imposition of SEMs are guided by the Russian Constitution, along with "generally-recognized principles and norms of international law" and UN resolutions.[121] Paragraph 2 thereof is clear what the purposes of such measures and the circumstances under which they will be applied are—the President is vested with the responsibility to impose them in order to address circumstances "requiring immediate reaction to international illegal act or unfriendly action."[122] In other words, the responses sit in the legal categories of retorsions and countermeasures.[123]

[111]Council Decision 2014/512/CFSP.

[112]Peter Baker & James Kanter, *Raising Stakes on Russia, U.S. Adds Sanctions*, New York Times (July 16. 2014) https://www.nytimes.com/2014/07/17/world/europe/obama-widens-sanctions-against-russia.html.

[113]*Id.*

[114]Jentleson, *supra* note 96, at 157.

[115]Karen Barlow, *Russia Bans Food Imports from Australia, US, EU over Sanctions; Julie Bishop 'Disappointed' by Russian Retaliation*, ABC News (Aug. 7, 2014), https://www.abc.net.au/news/2014-08-07/russia-bans-food-imports-from-australia-us-eu/5656434.

[116]Jentleson, *supra* note 96, at 168–70.

[117]*See infra* Section E (demonstrating that recent efforts to institutionalize sanctions are the natutal projection of this line of reasoning).

[118]Article 1194 reads as follows: "Retortions." The Government of the Russian Federation may establish reciprocal limitations (retortions) on the proprietary and personal non-proprietary rights of citizens and legal entities of the states where special limitations exist on the proprietary and personal non-proprietary rights of Russian citizens and legal entities.

[119]*See* William E. Butler, *Introductory Note to the Russian Economic Sanctions*, 62 Int'l L. Materials 528, 529–30 (2023).

[120]Federal'nyĭ Zakon RF o spetsial'nykh ekonomicheskikh merakh I prinuditel'nykh merakh [Federal Law of the Russian Federation on Special Economic Measures and Coercive Measures], Sobranie Zakonodatel'stva Rossoiĭskoĭ [SZ RF] [Russian Federation Collection of Legislation] 2006, No. 281-FZ, art. 2, 3. (Russ.) [hereinafter Federal Law on Special Economic and Coercive Measures].

[121]*Id.*

[122]*Id.*

[123]*See Report of the Commission to the General Assembly*, U.N. GAOR Supp. No. 10, at 43, U.N. Doc. A/56/10 (2001), *reprinted in* [2001] 2 Y.B. Int'l L. Comm'n art. 22, 49, U.N. Doc. A/CN.4/SER.A/2001/Add.1, https://legal.un.org/ilc/publications/yearbooks/english/ilc_2001_v2_p2.pdf.

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The power to introduce such measures rests with the President of the Russian Federation, acting upon the recommendation of the Security Council.[124] The law provides a detailed list of potential SEMs, which include: the suspension of economic, technical, and military-technical cooperation programs; the prohibition or restriction of financial transactions and foreign economic operations; the termination or suspension of trade and other international agreements in the economic sphere; the modification of customs duties; and bans or restrictions on port access for foreign vessels and limitations.[125]

The law remained dormant until 2014, when, by Executive Order No. 560 of August, 6 2014, President Putin sanctioned the EU and U.S. by imposing an import embargo on certain agricultural products and food.[126] The embargo specifically targeted various raw and processed agricultural goods, including meat and meat products, certain types of fish and seafood, milk and dairy products, a range of vegetables, fruits, and nuts.[127] It also extended to a selection of other prepared and packaged food products.[128]

The Russian retaliation had a significant economic impact, especially on European exporters. Western countries experienced a sharp decline in the goods affected by the Russian sanctions, nearly a 90% drop, highlighting effectiveness of Moscow's retaliatory measures.[129] The stark contraction in import volumes clearly marks a break between the pre-sanctions and post-sanctions periods. The same goes with the US—this shift could be attributed to global market trends or parallel changes in U.S. import data, reinforcing the conclusion that the Russian embargo was the decisive factor.[130]

What further sets the Russian counter-sanctions apart is the rigidity of their implementation. The sanctions regime allows for no exemptions. This approach was not only punitive but also strategic—at the time of the embargo's introduction, Russia was the second-largest market for European agricultural exports.[131] By targeting this specific sector, Moscow aimed to increase the economic costs borne by EU Member States and, in turn, dissuade them from aligning with or expanding the Western sanctions architecture.[132]

E. Institutionalizing Russian and Chinese Unilateral Sanctions

Despite the controversy they sparked and the call for their lifting on political, economic, and human rights grounds, unilateral sanctions are proliferating rather than diminishing. Interestingly, the current season of global affairs has made it possible for such measures to be

[124]*See* Federal Law on Special Economic and Coercive Measures, art. 4, at para. 1.

[125]*Id.* art. 3, at para 2.3.

[126]Ukaz Prezidenta Rossoiĭskoĭ Federatsii [Decree of the President of the Russian Federation] of Aug. 6, 2014, No. 560, "O primenenii nekotorykh spetsial'nykh ekonomicheskikh mer dlya obespecheniya bezopasnosti Rossoiĭskoĭ Federatsii [On Applying Certain Special Economic Measures to Ensure the Security of the Russian Federation] (Russ.).

[127]*Id.*

[128]*See generally* Erica Moret, Dawid Bastiat-Jarosz, Thomas J. Biersteker, Francesco Giumelli, Clara Portela, Marusa Veber & Cristian Bobocea, *The New Deterrent? International Sanctions Against Russia Over the Ukraine Crisis: Impacts, Costs and Further Action*, Geneva Graduate Inst. (Oct. 12, 2016), https://www.graduateinstitute.ch/library/publications-institute/new-deterrent-international-sanctions-against-russia-over-ukraine.

[129]Matthieu Crozet & Julian Hinz, *Collateral Damage: The Impact of the Russia Sanctions on Sanctioning Countries' Exports* 14 (CEPII Rsch. Ctr. Working Paper No. 2016-16, 2016), https://www.cepii.fr/pdf_pub/wp/2016/wp2016-16.pdf.

[130]*See* Matěj Bělín & Jan Hanousek, *Imposing Sanctions Versus Posing in Sanctioners' Clothes: The EU Sanctions Against Russia and the Russian Counter-Sanctions*, *in* Research Handbook on Economic Sanctions 249, 252, 257 (Peter A.G. van Bergeijk ed., 2021).

[131]*See* Susanne Kraatz, The Russian Embargo: Impact on the Economic and Employment Situation in the EU, European Parliament (2014), https://www.europarl.europa.eu/RegData/etudes/BRIE/2014/536291/IPOL_BRI(2014)536291_EN.pdf.

[132]*See generally* Richard D. Farmer, *Costs of Economic Sanctions to the Sender*, 23 World Econ. 93 (2000) (surveying the costs shouldered by sanction senders).

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resorted to by those very States that have put so much effort in attempts to de-legitimise them, particularly China and Russia. In the shifting terrain of global geopolitics, they are rectifying their approaches. Recent events, like Russia's war in Ukraine, growing U.S.-China tensions over Taiwan, and the proliferation of Western economic sanctions, have prompted both States to adopt a more active and retaliatory legal posture.

What distinguished the previous practice from recent ones is the level of municipal institutionalization. Considering the continued efforts to delegitimize unilateral sanctions, it is not surprising that China and Russia have been lax in institutionalizing the application of their own measures. Moreover, recent practice evidences that they are utilizing a toolkit that is well entrenched within the international legal order, such as the targeted sanctions.

This emerging trend in sanctioning practices requires appropriate justifications from an international legal perspective. In fact, while symmetrical responses that do not breach international obligations are *per se* permissible as retorsions, asymmetrical counter-sanctions can be deemed to be lawful as long as the first package of sanctions are unlawful.[133] Moreover, in the case of trade restrictions, reference has to be made to the World Trade Organization (WTO) framework.

Be that as it may, this Article submits that the evolving posture of China and Russia's positions towards sanctions are best understood as primarily driven by geopolitical and economic imperatives. Geopolitically, sanctions provide both states with an instrument to counter Western pressure and assert themselves as autonomous great powers. Economically, sanctions are deployed to mitigate the effects of external restrictions, protect strategic industries, and signal resilience to their international partners and rivals alike. By contrast, the domestic political dimension is largely derivative of these external pressures. For both Moscow and Beijing, external confrontation necessitates internal consolidation—sanctions must be embedded within a credible domestic framework in order to be sustainable. This explains why both states have moved toward institutionalizing sanctions regimes through the enactment of municipal laws. Such legislation prepares the ground domestically by ensuring that sanctions can be implemented consistently, legitimized internally, and integrated into broader strategies of economic statecraft. The following sections are aimed at substantiating this assertion.

I. China's Unreliable Entity List and Anti-Sanctions Law

Whereas China once relied primarily on informal or tacit forms of economic pressure, it has progressively assumed the role of a formal unilateral sanctions user.[134] This Article submits that, instead of pointing to a re-calibration of the Chinese posture toward international law, particularly with respect to its interpretation of state sovereignty and the principle of non-intervention, these new sanctioning efforts are precisely aimed at making China more resilient *vis-à-vis* external interferences.

While not directly involved in the Ukrainan conflict, China has faced mounting pressure from the West over its position on Taiwan, its trade practices, and its human rights record. In response, China has begun codifying its own legal frameworks for retaliatory sanctions, such as the Anti-Foreign Sanctions Law in 2021, and has created "Unreliable Entity Lists" and export controls under the banner of defending national sovereignty and economic security.

China has in fact taken a considerable step towards equipping itself with the municipal laws necessary to impose sanctions. Specifically, the national legal toolkit currently consists of four main acts. First, in September 2020, China's Ministry of Commerce (MOFCOM) introduced the

[133]*See* DAWIDOWICZ, *supra* note 23, at 346–64.
[134]*See* Cai, *supra* note 9, at 86–89.

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"Unreliable Entity List" regime.[135] Under this framework, foreign entities may be designated based on two primary criteria: (1) actions deemed to endanger China's national sovereignty, security, or interests, and (2) discriminatory or disruptive measures targeting Chinese enterprises, organizations, or individuals, including suspension of normal commercial transactions.[136] Once listed, entities may be subject to a range of restrictive measures, eitherseparately or cumulatively. These measures include prohibitions on trade and investment activities with China, restrictions on personnel and transport access to Chinese territory, revocation of work or residency permits, and financial penalties.[137] The regime also allows the imposition of "other necessary measures," granting authorities broad discretion.[138]

Second, in October 2020, the Export Control Law complemented this very first unilateral regime.[139] The law provides for the possibility of exercising "export control" through restrictive measures aimed at blocking either the transfer from the Chinese territory or the provision of "controlled items" by a Chinese citizen, legal person, or unincorporated organization to foreign organizations or individuals.[140] What falls under the category of "controlled items" includes dual-use goods, military technologies, nuclear materials, and other sensitive products, whose export and provision can be restricted on the following grounds: safeguarding national security, fulfilling non-proliferation obligations, and upholding China's international commitments.[141]

Third, on January 9, 2021, the Rules on Counteracting Unjustified Extra-Territorial Application of Foreign Legislation and Other Measures came into effect.[142] The stated purpose of the regulation, outlined in Article 2, is to resist the extraterritorial enforcement of foreign laws and measures that contravene international law and the basic principles of international relations.[143] The rules specifically aim to address situations where such foreign laws unjustifiably prohibit or restrict Chinese citizens, legal persons, or organizations from conducting normal commercial activities with third-party countries, regions, or entities.[144]

A central enforcement mechanism under the regulation is the establishment of a dedicated inter-agency coordination body—the "working mechanism"—as provided in Article 4.[145] This body is responsible for evaluating instances of extraterritorial interference. Upon confirmation that a particular foreign measure meets the threshold of unjustified extraterritorial application, Article 7 empowers the working mechanism to authorize the Ministry of Commerce to issue a "prohibition order."[146] This order instructs Chinese entities not to recognize, enforce, or comply with the foreign legislation or measures in question.[147] In effect, the regulation operates as a legal

[135]Guanyu bu kekao shiti qingdan de guiding (关于不可靠实体清单的规定) [Provisions on the Unreliable Entity List] (promulgated by the Ministry of Commerce, Sep. 18, 2020, effective Sep. 18, 2020), https://english.mofcom.gov.cn/Policies/AnnouncementsOrders/art/2020/art_26e3c471536d443c944d60c91bacaf9a.html (China).

[136]*Id.* art. 2.

[137]*Id.* art. 10.

[138]*Id.*

[139]Zhongguo chukou guanzhi fa (中华人民共和国出口管制法) [PRC Export Control Law] (promulgated by the Standing Comm. Nat'l People's Cong., Oct. 17, 2020, effective Dec. 1, 2020), art. 58 (China).

[140]*Id.* art. 2.

[141]*Id.*

[142]Guanyu fangzhi budang yuwai shiyong waiguo falu de guiding ji qita cuoshi (关于防止不当域外适用外国法律的规定及其他措施) [Rules on Counteracting Unjustified Extra-territorial Application of Foreign Legislation and Other Measures] (promulgated by the Ministery of Commerce, Jan. 9, 2021, effective Jan. 9, 2021), https://english.mofcom.gov.cn/Policies/AnnouncementsOrders/art/2021/art_f47febb76da64411b8de1845aeba4af4.html (China).

[143]*Id.* art. 2.

[144]*Id.*

[145]*Id.* art. 4.

[146]*Id.* art. 7.

[147]*Id.*

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shield, enabling China to neutralize the domestic legal impact of foreign sanctions regimes targeting its nationals and economic interests.[148]

Lastly, in June 2021, the National People's Congress passed the Countering Foreign Sanctions (Anti-Sanctions Law).[149] It stipulates that "countermeasures" may be resorted to in order to respond to "discriminatory restrictive measures" imposed by foreign states, targeting Chinese individuals, organizations, or national interests.[150]

Notably, the scope of "countermeasures" is expansive, extending not only to individuals and organizations directly involved in the sanctions but also associated parties.[151] According to Articles 3 and 5, associated parties include spouses of sanctioned individuals, organizations where these individuals serve as senior managers, and entities in which sanctioned individuals are actual controllers or otherwise participate in their establishment and operations.[152]

Under Article 6, the law prescribes a broad set of retaliatory tools that Chinese authorities may deploy: refusing to issue visas; denying entry into China; revoking existing visas; ordering deportation; freezing, seizing, or sealing off both movable and immovable assets located within China; banning or restricting economic transactions, cooperation, or other dealings between targeted foreign individuals or entities and Chinese counterparts; and implementing any "other necessary measures" as deemed appropriate.[153]

To coordinate the implementation of counter-sanctions, Article 10 mandates the establishment of a dedicated inter-agency mechanism.[154] This mechanism is responsible for evaluating foreign measures, recommending responses, and supervising enforcement.[155]

On the basis of this legal framework, China has expanded its use of sanctions against natural and legal persons, *freezing assets* and denying visa and entry into China.[156] Notably, the expansion of the *ratione materiae* scope occurred with respect to arms sale to Taiwan, a realm where China previously confined itself to threats of imposing sanctions.[157] The first instance of formal sanctions occurred in 2019 and 2020, when such threats turned into actual sanctions. Beijing officially blacklisted U.S. major defense firms, including Lockheed Martin, Boeing Defense, and Raytheon, after a weapons sale to Taiwan.[158] The decision to impose trade and investment sanctions marked a significant escalation from previous symbolic, "more bark than bite" reactions.[159]

[148]For a similar provision at the EU level, see Council Regulation 2271/96 of Nov. 22, 1996, Protecting Against the Effects of the Extra-territorial Application of Legislation Adopted by a Third Country, and Actions Based Thereon or Resulting Therefrom, 1996 OJ (L 309) (EC).

[149]Fan waiguo zhicai fa (反外国制裁法) [PRC Anti-Foreign Sanctions Law] (promulgated by the Standing Comm. Nat'l People's Cong., June 10, 2021, effective June 10, 2021) (China).

[150]*Id.* art. 3.

[151]*Id.* art. 5.

[152]*Id.*

[153]*Id.* art. 6.

[154]*Id.* art. 10.

[155]*Id.*

[156]See *infra* notes 157–169.

[157]Joe McDonald, *China to Sanction Boeing, Lockheed and Raytheon over Taiwan Arms Sales*, Defense News (Oct. 26, 2020), https://www.defensenews.com/global/asia-pacific/2020/10/26/china-to-sanction-boeing-lockheed-and-raytheon-over-taiwan-arms-sales/.

[158]*Id.*

[159]*See* Philip Wen & William Mauldin, *China to Sanction U.S. Companies for Arms Sales to Taiwan*, Wall Street Journal (last updated July 12, 2019), https://www.wsj.com/articles/china-to-sanction-u-s-companies-for-arms-sales-to-taiwan-11562937253?msockid=05a11f3d2c75664710460b6c2d02676d. *See also* Helen Davidson, *China Sanctions Major US Defense Companies After Arms Sales to Taiwan*, The Guardian (Oct. 27, 2020), https://www.theguardian.com/world/2020/oct/27/china-sanctions-major-us-defence-companies-after-arms-sales-to-taiwan.

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More recently, in April 2024, China froze the assets of General Atomics Aeronautical Systems and General Dynamics Land Systems, and denied visas and entry into China to their senior management.[160]

The government imposed sanctions on Skydio, a U.S. drone maker supplying Ukraine, on October 31, 2024.[161] Subsequently, in December 2024, China announced further sanctions targeting U.S. defense contractors involved in arms sales to Taiwan, citing violations of the "One-China" principle.[162] The measures included freezing assets and prohibiting transactions between Chinese entities and the designated U.S. companies and individuals.[163] A total of thirteen companies and six senior officials were subjected to these restrictions.[164]

The trend culminated in early 2025 when China designated ten U.S. defense companies as "unreliable entities" and imposed export restrictions and sanctions on twenty-eight additional firms over ongoing arms support to Taiwan.[165]

Beijing also retaliated against human rights sanctions imposed by the EU, U.K. and U.S. by symmetrically applying targeted sanctions.[166] In this sense, in January 2021, China sanctioned U.S. individuals from the Trump administration, including Secretary of State Mike Pompeo, in response to their sanctions rooted in the human rights situation in China, particularly with respect to Xinjiang.[167] In March 2021, and on the same grounds, it imposed travel bans and asset freezes on UK individuals and their immediate family members and prohibited Chinese citizens and institutions from doing business with them.[168] Similar sanctions have been imposed on EU individuals and entities.[169]

For the purposes of this Article, the U.S.-China tariff war will not be taken into account. Suffice it to say that tariff-based economic confrontation between the two countries significantly escalated during the first Trump administration, from 2018 to 2020, with the U.S. imposing tariffs on over $350 billion worth of Chinese goods and China responding in kind.[170] Though tensions briefly eased following the 2020 "Phase One" deal, tariff disputes have resurfaced under the second Trump administration, from 2025 to today, with the U.S. imposing sweeping new tariffs—some as high as 100%—on strategic Chinese sectors such as electric vehicles, batteries, and

[160]*Decision on Taking Countermeasures Against General Atomics Aeronautical Systems and General Dynamics Systems*, MINISTRY OF FOREIGN AFFS. PEOPLE'S REPUBLIC OF CHINA (Apr. 11, 2024), https://www.mfa.gov.cn/mfa_eng/xw/zyxw/202405/t20240530_11332895.html (China).

[161]*Chinese Sanctions Hit US Drone Maker Supplying Ukraine*, FINANCIAL TIMES (Oct. 31, 2024), www.ft.com/content/b1104594-5da7-4b9a-b635-e7a80ab68fad.

[162]Arnav Laroia, *China Imposes Sanctions on US Military Firms Following Taiwan Arms Sale*, JURIST NEWS, (Dec. 27, 2024), https://www.jurist.org/news/2024/12/china-imposes-sanctions-on-us-military-firms-following-taiwan-arms-sale/.

[163]*Id.*

[164]*Decision on Taking Countermeasures Against U.S. Military Companies and Senior Executives*, MINISTRY OF FOREIGN AFFS. PEOPLE'S REPUBLIC OF CHINA (Dec. 27, 2024) https://www.fmprc.gov.cn/mfa_eng/xw/wjbxw/202412/t20241227_11520448.html. (China).

[165]James T. Areddy, *China Adds to Sanctions of U.S. Defense Contractors Over Taiwan Arms Sales*, WALL STREET JOURNAL (Jan. 3, 2025), https://www.wsj.com/world/china/china-adds-to-sanctions-of-u-s-defense-contractors-over-taiwan-arms-sales-547d8cde?msockid=05a11f3d2c75664710460b6c2d02676d.

[166]Foreign Ministry Spokesperson announces sanctions on relevant U.S. individuals and entities, and similarly with U.K. and EU, all between March 26th and 27th, 2021. For other domains where Chinese sanctions are present, *See* JENTLESON, *supra* note 96, at 136 (describing other domains where Chinese sanctions are present).

[167]*Id.*

[168]*Foreign Ministry Spokesperson Announces Sanctions on Relevant UK Individuals and Entities*, MINISTRY OF FOREIGN AFFS. PEOPLE'S REPUBLIC OF CHINA (Mar. 26, 2021), https://www.mfa.gov.cn/eng/xw/fyrbt/fyrbt/202405/t20240530_11349691.html (announcing sanctions on nine individuals and four entities) (China).

[169]*Foreign Ministry Spokesperson Announces Sanctions on Relevant EU Entities and Personnel*, MINISTRY OF FOREIGN AFFS. PEOPLE'S REPUBLIC OF CHINA (Mar. 22, 2021) https://www.mfa.gov.cn/eng/xw/fyrbt/fyrbt/202405/t20240530_11349690.html (China).

[170]Ethan Teekah, *U.S.–China Trade War*, BRITANNICA MONEY (2018–present), https://www.britannica.com/money/US-China-trade-war.

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semiconductors.[171] China, in turn, has demonstrated a markedly enhanced capacity to resist and retaliate, matching or exceeding U.S. tariffs in several categories and leveraging its dominance in key supply chains, including rare earth elements and green technologies.[172]

Though traditionally reluctant to invoke international legal doctrines, China now frames its retaliatory actions as lawful responses to external coercion, invoking the principle that unlawful acts—such as unilateral sanctions—permit resorting to "countermeasures."[173] They are now firmly embedded in the China's approach to foreign policy. In June 2023, the National People's Congress passed the Foreign Relations Law, which, under Article 33, proclaimed the "right" to adopt "corresponding countermeasures and restrictive measures" in response to acts that breach "international law and basic norms governing international relations and endanger the [Chinese] sovereignty, security, and development interests."[174] Ironically, at the G7 summit in May 2023, Western States issued a unified warning to China, highlighting concerns over so-called "economic coercion."[175] To put it differently, it was Western powers, which typically have resorted to such mechanisms, which voiced grievances that have long been echoed by countries in the Global South.

II. Russian Federal Laws Complementing the SEMs

Much of the academic attention has been devoted to assessing the number of sanctions packages agreed upon at EU level.[176] Commenting on them, the Russian Minister of Foreign Affairs Sergey Lavrov repeatedly affirmed that such measures are unilateral and illegitimate as they encroach upon Security Council prerogatives.[177] Interestingly, echoing similar concerns, the Chinese spokesperson for the Ministry of Foreign Affairs voiced critical remarks over sanctions directed at Russia for lacking a "mandate from the Security Council."[178] Even before the multitude of sanctions packages, a Sino-Russian Joint Statement denounced the Western attempt to recalibrate certain mechanisms and rules by exerting "power politics, bullying, unilateral sanctions, and extraterritorial application of jurisdiction."[179]

Less explored is therefore the extent of the Russian reaction. From 2018 onwards, and pursuant to newly enacted municipal laws, sanctions are portrayed as "measures of impact" or "counteractions," signifying that Russia still believes that only the measures agreed upon by the Security Council can be labeled as "sanctions."

[171]Elisabeth Buchwald, *Trump Announces 130% Tariffs on China. The Global Trade War Just Came Roaring Back*, CNN (Oct. 10, 2025), https://edition.cnn.com/2025/10/10/economy/trump-china-tariff-threats-economy.

[172]*See* Chad P. Bown, *The US-China Trade War and Phase One Agreement*, 43 J. Pol'y Modeling 805, 806-07 (2021) (providing a detailed analysis); *see also* Yun Lou, *The Impact of the China-US Tariff War on China and China's Countermeasures*, 6 Geopolitics Under Globalization 4, 6, 11 (2025).

[173]*See* Fan waiguo zhicai fa [PRC Anti-Foreign Sanctions Law] (June 10, 2021) (China).

[174]Zhonghua renmin gongheguo duiwai guanxi fa (中华人民共和国对外关系法) [The Law on Foreign Relations of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., June 28, 2023, effective July 1, 2023), art. 33, https://en.moj.gov.cn/2023-07/11/c_901729.html (China).

[175]Tessa Wong, *G7 Takes Stand Against China's "Economic Coercion,"* BBC News (May 21, 2023), https://www.bbc.com/news/world-asia-65662720.

[176]*See EU Sanctions Map* (last updated Apr. 22, 2026), https://sanctionsmap.eu/#/main (providing an up-to-date list of the EU sanctions packages).

[177]*Foreign Ministry's Statement on Retaliatory Measures Regarding the EU's 11th Package of Anti-Russia Sanctions*, Ministry of Foreign Affs. of the Russian Fed'n (June 23, 2023) https://www.globalsecurity.org/wmd/library/news/russia/2023/06/russia-230623-russia-mfa01.htm.

[178]*Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on June 29, 2022*, Ministry of Foreign Affs. of the People's Republic of China (June 29, 2022), https://www.mfa.gov.cn/eng/xw/fyrbt/lxjzh/202405/t20240530_11347313.html (China).

[179]*Joint Statement of the Russian Federation and the People's Republic of China on the International Relations Entering a New Era and the Global Sustainable Development*, President of Russ. (Feb. 4, 2022), https://en.kremlin.ru/supplement/5770 (Russ.).

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Much like China did, Russia has gone through a process of institutionalizing the imposition of counter-sanctions, which essentially revolves around two pillars: Federal Laws and Presidential Decrees, which are meant to complement the SEMs Law.

First, in 2018, the Russian Federation passed the Federal Law No. 127-FZ, *On Measures of Impact (Countermeasures) in Response to Unfriendly Actions of the United States of America and Other Foreign States*, which laid the legal groundwork for the imposition of retaliatory sanctions.[180] The law provides the Russian President and Government with broad discretionary powers to enact "countermeasures" against states, organizations, and individuals involved in activities deemed hostile to Russia.[181] These measures may include import and export restrictions, limitations on cooperation in specific sectors, exclusion from public procurement, and bans on participation in the privatization of state property.[182] While the law does not mandate automatic sanctions, it establishes a legal framework enabling rapid and targeted responses to foreign pressure, notably that emanating from U.S. and EU sanctions regimes.[183]

Second on June 28 2022, the Russian legislature adopted Federal Law No. 212-FZ, introducing significant amendments to the 2018 Federal Law No. 127-FZ on Countermeasures to Unfriendly Foreign Actions.[184] These revisions expanded the scope and operational flexibility of Russia's retaliatory sanctions regime. Notably, the amendment enumerates a set of regulatory measures that may be adopted in furtherance of financial stability.[185] These include the power to impose prohibitions or limitations on specific transactions—particularly currency operations—and the ability to alter the manner in which certain obligations are to be fulfilled.[186] This could encompass changes to the currency of settlement or the offsetting of claims between residents and non-residents.[187]

Moreover, entities may be required to obtain special permits before conducting designated transactions or use special accounts for such transactions.[188] Additional measures may encompass compulsory conversion—sale—of foreign currency into rubles on the domestic foreign exchange market, freezing or blocking of funds and property, and the establishment of quantitative limits on foreign exchange transactions.[189]

Third, the SEMs law was amended by the Federal Law No. 422-FZ, "On Amendments to Certain Legislative Acts of the Russian Federation," empowering the government to impose personal restrictions on individuals tied to "unfriendly states."[190] This parallels EU or U.S.-style personal sanctions, including visa bans and asset freezes, and introduced the notion of "blocked persons."[191] In terms of *ratione personae* scope, targets within the meaning of "blocked persons"

[180]*Law on Measures (Countermeasures) Against Unfriendly Actions of the United States of America and Other Foreign Countries*, President of Russ. (June 4, 2018), https://en.kremlin.ru/acts/news/57645 (Russ.).

[181]Federal'nyĭ Zakon RF o merakh (kontrmerakh) protiv nedruzhestvennykh deystviy Soyedinennykh Shtatov Ameriki i drugikh zarubezhnykh stran [Federal Law of the Russian Federation on Measures (Countermeasures) Against Unfriendly Actions of the United States of America and Other Foreign Countries], Sobranie Zakonodatel'stva Rossoiĭskoĭ [SZ RF] [Russian Federation Collection of Legislation] 2018, No. 127-FZ (Russ.)

[182]*Id.* art. 2.

[183]*Id.* art. 1.1

[184]Federal'nyĭ Zakon RF o vnesenii izmeneniy v nekotoryye zakonodatel'nyye akty Rossoiĭskoĭ Federastii [Federal Law of the Russian Federation on Amendments to Certain Legislative Acts of the Russian Federation], Sobranie Zakonodatel'stva Rossoiĭskoĭ [SZ RF] [Russian Federation Collection of Legislation] 2022, No. 212-FZ, art. 5. (Russ.)

[185]*Id.* art. 5.

[186]*Id.* art. 5.1.

[187]*Id.* art. 5.3.

[188]*Id.* art. 5.2, 5.3.

[189]*Id.* art. 5.2, 5.7, 5.8.

[190]Federal'nyĭ Zakon RF o vnesenii izmeneniy v nekotoryye zakonodatel'nyye akty Rossoiĭskoĭ Federastii [Federal Law of the Russian Federation on Amendments to Certain Legislative Acts of the Russian Federation], Sobranie Zakonodatel'stva Rossiĭskoĭ Federatsii [SZ RF] [Russian Federation Collection of Legislation] 2023, No. 422-FZ (Russ.).

[191]*Id.* art. 9, at para. 2.

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include foreign states, foreign organizations, foreign nationals, stateless persons, and legal entities under their control—where "control" is defined as the direct or indirect right, whether individually or jointly, to dispose of more than 50% of the votes in the highest governing body of such legal entity.[192] The importance of such an amendment is that it explicitly authorizes freezing of assets—cash, securities, and other property—belonging to blocked persons, and prohibition or limitation of financial transactions in their favor. The enforcement falls under the remit of the Central Bank of Russia and other authorized financial operators, who are responsible for enforcing and reporting compliance.[193]

Fourth, in December 2023, an amendment of FL 127, passed in 2018, was signed into law under Federal Law No 600-FZ, effective the end of 2023.[194] It considerably enhances the presidential authority to impose a wide range of regulatory measures with the aim of preserving "economic sovereignty and security."[195] These include the establishment of special regimes governing transactions between Russian entities and individuals or organizations from so-called "unfriendly" states, new requirements for corporate governance, including disclosure obligations, restrictions on dividend payments to foreign shareholders, and procedures for the formation or dissolution of legal entities, and stricter control over cross-border currency operations, foreign exchange trading, and the use of foreign accounts.[196] Furthermore, one key aspect involves the introduction of temporary administration over property owned by such persons within Russia, including both movable and immovable assets, securities, shares in Russian companies, and other property rights.[197] The amendment also provides for a special legal procedure governing the enforcement of claims related to monetary funds, securities, and other assets connected to unfriendly foreign entities.[198] Specifically, it prescribes the mandatory transfer of such assets to designated special accounts, along with the possibility of seizure and other interim actions designed to secure or restrict their use.[199] Importantly, the law applies retroactively to legal relations dating back to February 24, 2022, thereby legitimizing a wide range of measures already implemented in response to Western sanctions imposed after the escalation of the war in Ukraine.[200]

The second pillar of Russian counter-sanctions is represented by Presidential decrees. In response to what it defines as "unfriendly actions" by the U.S. and allied foreign states and international organizations, the President enacted Presidential Decree No. 79 on February 28, 2022.[201] The decree, which forms a key part of Russia's broader counter-sanctions regime, introduced mandatory financial restrictions on Russian residents engaged in foreign economic activities.[202] One of its central provisions obliges all resident participants of foreign trade to sell any income received in foreign currency, that is, foreign currency credited to their accounts in Russian banks as a result of contracts involving exports of goods, services, labor, or intellectual

[192]*Id.* art. 9, paras. 3(1)–(3) (introducing a humanitarian derogations system, allowing blocked persons to make use of a certain amount of funds to cover livelihood expenses).

[193]*Id.* art. 9, at paras. 5–6.

[194]Federal'nyĭ Zakon RF o vnesenii izmeneniy v nekotoryye zakonodatel'nyye akty Rossoiĭskoĭ Federastii [Federal Law of the Russian Federation on Amendments to Certain Legislative Acts of the Russian Federation], Sobranie Zakonodatel'stva Rossiĭskoĭ Federatsii [SZ RF] [Russian Federation Collection of Legislation] 2023, No. 600-FZ (Russ.).

[195]*Id.* art. 3.

[196]*Id.* art. 9.2, at paras. 1–5.

[197]*Id.* art. 9, at para.7.

[198]*Id.* art. 3, at para. 5.

[199]*Id.* art. 3, at para. 5.

[200]*Id.* art. 4, at para. 10.

[201]Ukaz Prezidenta Rossoiĭskoĭ Federatsii [Decree of the President of the Russian Federation] of Feb. 28, 2022, No. 79, "O primenenii spetsial'nykh ekonomicheskikh mer v svyazi s nedruzhestvennymi deystviyami Soyedinennykh Shtatov Ameriki I prisoyedinivshikhsya k nim inostrannykh gosudarstv I mezhdunarodnykh organizatsiy [On the Application of Special Economic Measures in Connection with the Unfriendly Actions of the United States of America and the Foreign States and International Organizations that have joined them]" (as amended on May 20, 2024) (Russ.).

[202]*Id.* art. 1.

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property to non-residents—commonly referred to as foreign exchange proceeds, or FX proceeds.[203] The provision required the sale of 80% of such proceeds within three business days of receipt.[204]

However, this requirement was significantly revised by Presidential Edict No. 360 of June 9, 2022, which amended the original decree.[205] Under the amended framework, the percentage of foreign currency proceeds to be sold is now determined by the Government Commission for Control over Foreign Investments, while the timeline for sale is established by the Board of Directors of the Central Bank of Russia.[206]

Furthermore, beginning March 18, 2022, Russia prohibited residents from extending foreign currency loans to non-residents, transferring currency to their accounts abroad, or using foreign electronic payment systems without opening an account.[207] The decree further delegates to the Central Bank the authority to determine the procedural framework for implementing these requirements, thereby centralizing enforcement and compliance monitoring within Russia's financial regulatory apparatus.[208] In practical terms, the Presidential Decree constitutes a defensive economic measure designed to preserve domestic liquidity in rubles while also restricting capital outflows.

Moreover, Presidential Decree No. 81 of March 1, 2022 introduced a special authorization regime for transactions involving Russian residents and persons from such states, including operations with securities, real estate, and the provision of loans in rubles.[209] It also imposes a restriction on the export of foreign currency and monetary instruments exceeding the equivalent of $10,000 USD, and establishes special rules for conducting foreign exchange transactions.[210] The Government and the Central Bank of Russia are assigned regulatory responsibilities to implement and supervise these measures.[211]

In addition, and pursuant to Decree No. 100 passed in 2022, trade restrictions have been imposed on certain goods and raw materials with so-called unfriendly countries.[212] The decree establishes a ban on the export from and import into the territory of the Russian Federation of certain products and raw materials, as specified by lists determined by the Government of the Russian Federation.[213] Additionally, it introduces restrictions on the export and import of

[203]*Id.* art. 3(a), 3(b).

[204]*Id.* art. 1.

[205]Ukaz Prezidenta Rossoiïskoĭ Federatsii [Decree of the President of the Russian Federation] of June 9, 2022, No. 360, "O popravkakh k prezidentskomu ukazu no 79 ot 28 fevralya 2022 goda o vvedenii spetsial'nykh ekonomicheskikh mer v svyazi s vrazhdebnymi deystviyami Soyedinennykh Shtatov v sgovore s druimi inostrannymi gosudarstvami i mezhdunarodnymi organizatsiyami" ["On Amendments to Presidential Executive Order No. 79 of February 28, 2022, On Imposing Special Economic Measures in Connection with the Hostile Actions of the United States in League with Other Foreign States and International Organizations"] (Russ.).

[206]*Id.* art. 1(a), 1(b).

[207]Ukaz Prezidenta Rossoiïskoĭ Federatsii [Decree of the President of the Russian Federation] of Mar. 18, 2022, No. 126, "O dopolnitel'nykh vremennykh ekonomicheskikh merakh po obespecheniyu finansovoy stabil'nosti Rossoiïskoĭ Federatsii v valyutnom regulirovanii" ["On Additional Provisional Economic Measures to Ensure Financial Stability of the Russian Federation in Foreign Exchange Regulation"] para. 3 (Russ.).

[208]*Id.* art. 4.

[209]Ukaz Prezidenta Rossoiïskoĭ Federatsii [Decree of the President of the Russian Federation] of Mar. 1, 2022, No. 81, "O dopolnitel'nykh vremennykh ekonomicheskikh merakh po obespecheniyu finansovoy stabil'nosti Rossoiïskoĭ Federatsii" ["On Additional Temporary Economic Measures to Secure the Financial Stability of the Russian Federation"] (as amended on May 20, 2024) (Russ.).

[210]*Id.* art. 1(g).

[211]*Id.* art. 1(d), art. 2.

[212]Ukaz Prezidenta Rossoiïskoĭ Federatsii [Decree of the President of the Russian Federation] of Mar. 8, 2022, No. 100, "O primenenii spetsial'nykh ekonomicheskikh mer v sfere vneshneekonomicheskoy deyatel'nosti v tselyakh obespecheniya bezopasnosti Rossoiïskoĭ Federatsii" ["On the Application of Special Economic Measures in the Sphere of Foreign Economic Activity for the Purpose of Ensuring the Security of the Russian Federation"] (as amended on July 20, 2023) (Russ.).

[213]*Id.* art. 1(a).

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products and raw materials outside and into the Russian Federation, respectively, in accordance with the government-approved lists.[214]

Moreover, under Decree No. 520 passed in 2022, President Putin imposed a ban on transactions that establish, alter, terminate, or encumber rights of ownership, use, or disposal of securities, equity interests, and investment-related rights in Russian legal entities, where such assets are held by persons affiliated with states deemed unfriendly.[215] The restriction applies to a wide range of strategic sectors, including energy production and supply, oil refining, mineral resource extraction, and the manufacturing and servicing of equipment for the fuel and energy complex.[216] It also extends to subsoil users operating in the Russian Federation with access to significant deposits of hydrocarbons, uranium, rare earth elements, and other critical minerals.[217]

Considering the enactment of such Laws and Decrees, it comes with no surprise that Russia has been able to counter the effects of Western sanctions, at least to some degree.[218]

In light of the foregoing, the counter-sanctions Russia has been implementing from the beginning of the war are of three main types: financial and energy restrictions, requiring payments to be made in rubles and cutting natural gas supplies to countries that refused to pay in rubles; trade sanctions affecting the export of raw materials; and other financial and investment restrictions, designed to de-dollarize the economy.

Moreover, Russia has escalated the number of targeted sanctions imposed on citizens of Australia, Canada, New Zealand, UK, and the U.S. in retaliation for Western sanctions.[219] CEOs, scholars, researchers, journalists, members of academia, senior officials, and directors have been included in a "stop list" and are currently denied entry into Russian territory.[220] With respect to

[214] *Id.* art. 1(b).

[215] Ukaz Prezidenta Rossoĭskoĭ Federatsii [Decree of the President of the Russian Federation] of Aug. 5, 2022, No. 520, "O primenenii spetsial'nykh ekonomicheskikh mer v finansovoy, toplivnoy i energeticheskoy sferakh v svyazi s nedruzhestvennymi deystviyami otdel'nykh inostrannykh gosudarstv i mezhdunarodnykh organizatsiy" ["On the Application of Special Economic Measures in the Financial, Fuel and Energy Spheres in Connection with the Unfriendly Actions of Certain Foreign States and International Organizations"] (as amended on Mar. 19, 2024) (Russ.).

[216] *Id.* at paras. 2(a)–(f).

[217] *Id.* paras. 1, 2.

[218] *Russia's Sanctions-dodging is Getting Ever More Sophisticated*, THE ECONOMIST (Mar. 2, 2023), https://www.economist.com/finance-and-economics/2023/03/02/russias-sanctionsdodging-is-getting-ever-more-sophisticated?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=17210591673&ppcadID=&utm_campaign=a.22brand_pmax&utm_content=conversion.direct.

[219] *See Foreign Ministry Statement on Personal Sanctions on Senior Officials and MPs of Australia*, MINISTRY OF FOREIGN AFFS. OF THE RUSSIAN FED'N (Apr. 7, 2022), https://www.mid.ru/en/press_service/spokesman/official_statement/1808465/?TSPD_101_R0=08765fb817ab200018963783ef5992ea30d7146935c30a2488133c2186eb5effdf489ef9e08f1d61082c1cc34c1430008b845d6ab59bed167dcd3598f0dabaa1422456b793441142c119f3cee7a1ba794d9d6c4fe8c7af0e543b30050f87a177; *Foreign Ministry Statement on Personal Sanctions Against Canadian Citizens*, MINISTRY OF FOREIGN AFFS. OF THE RUSSIAN FED'N (Apr. 12, 2023), https://www.mid.ru/en/foreign_policy/news/1863094/?TSPD_101_R0=08765fb817ab200089642316a7b462793d6aa39269177aef21ab9efb16f620c501cb36f9e34bfcbb0849d88d7c1430001a341f4680e137ac3da894f040a1177afc536851c1703c3b0f7d715ee5b4bf06198da3ef8bcb29d1c2649766f4a60782; Заявление МИД России о персональных санкциях в отношении представителей власти, журналистов и общественных деятелей Новой Зеландии [*Foreign Ministry Statement on Personal Sanctions Against New Zealand Government Officials, Journalists and Public Figures*], MINISTRY OF FOREIGN AFFS. OF THE RUSSIAN FED'N (Jan. 19, 2023), https://mid.ru/en/press_service/spokesman/official_statement/1808470/?lang=ru&TSPD_101_R0=08765fb817ab20003a8b16d2a7e3c27918605ed32f68ff871bfc55d16908309dd55a82cc0cb0e00f08436e8c63143000022351f28d25ffb45baf278445ac586706104dac05f794d360a968ba20b353ed1326d9393ea2949aebeb82c5aed3314a; *Foreign Ministry Statement on Personal Sanctions Against the Heads of PR Organisations and Defence Lobby Representatives in the United Kingdom*, MINISTRY OF FOREIGN AFFS. OF THE RUSSIAN FED'N (Sep. 14, 2022), https://mid.ru/en/maps/gb/1829884/?TSPD_101_R0=08765fb817ab2000f8c3f72882a1f70311c41358df93dd3f9d53b8b19e503a705851cc46431d9efe08b0e657771430001445669bb8556da021dea7679c9562d77283b336fce626f2f4a929fe54ef33c2093b53df7a10aca86bac9edda2921645 (Russ.).

[220] *See Foreign Ministry Statement on Personal Sanctions Against US Citizens*, MINISTRY OF FOREIGN AFFS. OF THE RUSSIAN FED'N (Mar. 3, 2024), https://www.mid.ru/en/foreign_policy/news/1828611/?TSPD_101_R0=08765fb817ab2000584b581ad34654178d8b73e57ef1e92c79eff8696b52d1329c7201e5153e67e2089ca282c81430002b683f64f38088c00ba9c1333a0aa18c711adeaecadc75bec4c346c4f0c60e25691a869a4e42bb0ed0040eb46c412731 (providing the "stop list") (Russ.).

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the U.S., Russia has also issued a travel ban against the former U.S. President Biden[221] and members of the Congress. The number of people named in the Stop list is fairly extensive. Suffice it to note that the last round of retaliatory measures has resulted in 227 U.S. citizens being sanctioned.[222] These counter-sanctions are directed at those who have actively conceived, implemented, or publicly justified an "anti-Russian policy" pursued by the current U.S. administration.[223] As one can aptly note, the rhetoric has changed, as Russia is now perfectly aware that the denial of entry fits the category of "sanctions"—smart sanctions to be precise.

Consistent with such measures, Russia's 2023 Foreign Policy Concept has overtly espoused the notion of sanctions.[224] On the one hand, under the *chapeau* "Rule of law in international relations," the Concept emphasizes the importance of doing away with "the practice of taking illegal unilateral coercive measures in violation of the UN Charter."[225] On the other hand, it outlines Russia's right to respond to what it characterizes as "unfriendly acts" by foreign states or alliances, particularly those that threaten its sovereignty or territorial integrity.[226]

In such cases, the Concept asserts that the Russian Federation "considers it lawful to take the *symmetrical and asymmetrical* measures" with the aim of "suppress[ing] such unfriendly acts and also to prevent[ing] them from recurring in future."[227]

The Concept provides additional insights into the aims that the sanctions are intended to bring about. One of its central aims is to shield the Russian economy and its international trade and financial relationships from "unfriendly actions" by foreign states by applying SEMs.[228]

Additionally, the Concept justifies the adoption of economic measures against states and against foreign officials, organizations, and private individuals—smart sanctions. These measures are directed at those who, in the view of the Russian government, are responsible for committing unfriendly acts against Russian citizens or entities, or who are involved in violating "the fundamental rights and freedoms of Russian compatriots residing abroad."[229]

As stated at the beginning of this section, such measures, which can be portrayed as "counter-sanctions," are admissible under the law of international responsibility as long as the countermeasures applied in the first place are unlawful. The core interpretative issue is whether a countermeasure remains lawful when directed at a state that itself fails to comply with international law. Should the answer be in the negative, meaning that the initial breach justifies a response, then the responding state's actions could be considered lawful countermeasures taken in response to wrongful conduct.[230]

From this viewpoint, the academic literature has offered some compelling arguments as to the illegal and illegitimate nature of the EU's and U.S.'s "autonomous" sanctions against Russia.[231]

[221]*Statement by the Russian Ministry of Foreign Affairs on Personal Sanctions Against US Officials and Associated Individuals*, Ministry of Foreign Affs. of the Russian Fed'n (Mar. 15, 2022), https://mid.ru/ru/foreign_policy/news/1804365/ (Russ.).

[222]*Foreign Ministry Statement on Personal Sanctions Against US Citizens*, Ministry of Foreign Affs. of the Russian Fed'n (Mar. 14, 2024), https://www.mid.ru/en/foreign_policy/news/1938555/ (Russ.).

[223]*Id.*

[224]Ukaz Prezidenta Rossoiïskoĭ Federatsii [Decree of the President of the Russian Federation] of Mar. 31, 2023, No. 229, "Kontseptsiya vneshney politiki Rossoiïskoĭ Federatsii [The Concept of the Foreign Policy of the Russian Federation]", https://mid.ru/en/foreign_policy/fundamental_documents/1860586/ (Russ.).

[225]*Id.* at para. at 23(4).

[226]*Id.* at para. at 26.

[227]*Id.* at para. 26 (emphasis added).

[228]*Id.* at para. 39(5).

[229]*Id.* at paras. 2, 5.

[230]*See* Natalino Ronzitti, *Sanctions as Instruments of Coercive Diplomacy: An International Law Perspective*, *in* Coercive Diplomacy, Sanctions and International Law 1, 30 (Natalino Ronzitti ed., 2016).

[231]*See* Mika Hayashi & Akihiro Yamaguchi, *Economic Sanctions Against Russia: Questions of Legality and Legitimacy*, 26 Int'l Cmty L. Rev. 69, (2024).

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Espousing this line of reasoning, unlawful Russian measures would be in accordance with the law of states responsibility, at least as far as the trigger is concerned.[232]

At the same time, and because of the issue of autonomous measures, especially when taken by non-directly injured party, remains contentious, there would be room to argue that of EU and U.S. sanctions further enriches the practice of third-party countermeasures.[233] They have been taken in response to one of most flagrant violation of international law, that is an act of aggression, in violation of Article 2(4) of the UN Charter.[234] Such a scenario would render the Russian countermeasures unlawful.

Other measures, like trade restrictions with regard to "unfriendly states," would contradict the most-favoured-nation clause under Article 1 of the WTO's General Agreement on Tariffs and Trade [GATT]. However, security exceptions may be invoked. In particular, Article XXI(b) GATT permits exceptions where a WTO member considers action necessary for the protection of its "essential security interests," in particular, during war or other emergency in international relations.[235]

It bears recalling that the WTO panel report in *Russia—Traffic in Transit* confirmed that: Article XXI(b) is not entirely self-judging. Panels can review whether the circumstances qualify as a war or international emergency. Thus, the WTO can assess whether Russia's justification meets the threshold of emergency and whether the measures are taken in good faith and "meet a minimum requirement of plausibility."[236]

F. Conclusion

This Article has shown that a behavioural change has occurred in both states. In addition, it has forged a better understanding of how global challenges have influenced the recent practice of both China and Russia in terms of unilateral sanctions. New circumstances have in fact enabled Russia and China to engage in a unilateral sanctions practice. Realpolitik's reasons have weighed in favor of (1) counter-sanctions to respond to the imposition of sanctions and, consequently, (2) domestic legislation designed to readily impose unilateral sanctions and make the economy more resilient.[237] The enactment of fine-tuned municipal laws on sanctions demonstrates that these two states have grown comfortable with such an instrument, which is now part of the foreign policy repertoires.

Following this trajectory, China and Russia are likely to exhibit an even more assertive posture towards unilateral sanctions, probably for different rationales: on the one hand, China is believed to increase its leverage as a result of stance taken by President Xi, confirming that China has also undergone a major shift from developing country to "a special rising power."[238] In this respect, the findings of the present study about a changed, and changing, posture towards sanctions resonate

[232]To be entirely lawful, countermeasures have to abide by the proportionality requirement. *See* DAWIDOWICZ, *supra* note 23, at 346–52.

[233]*Id.* at 113–238.

[234]U.N. Charter art. 2(4)
("The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles. All Members Shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.").

[235]General Agreement on Tariffs and Trade (GATT), Oct. 30, 1947, art. XXI(b)(iii).

[236]Report of the Panel, *Russia—Measures Concerning Traffic in Transit*, para. 7.138, WTO Doc. WT/DS512/R (adopted Apr. 5, 2019) (finding that the measures implemented by the Russian Federation satisfied the conditions for the security exceptions).

[237]Of course, confronted with the obligation to implement UN resolutions, these two states needed to acquire the relevant expertise and enact municipal laws. *See generally* NATIONAL IMPLEMENTATION OF UNITED NATIONS SANCTIONS 33–79 (Vera Gowland-Debbas ed., 2004 (describing the national implementation of the UN Security Council's resolutions).

[238]CAI, *supra* note 63, at 52–56.

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with other arguments. In particular, scholars have provided evidence that China is taking a "relative" approach toward the principle of non-intervention, which changes in accordance with "who is interfering with whom."[239] What is of interest is that this new way of interpreting and applying such principle is aimed at changing international law and global governance, a goal that can be pursued by *inter alia* considering the application of sanctions.

On the other hand, Russia is confronted with the need to respond to the sanctions packages. *Pro futuro*, one possible evolution of sanctions policy in China and Russia lies in the development of thematic or "standing" unilateral sanctions. These would consist of pre-defined measures automatically triggered by specific behaviors or affiliations deemed contrary to national interests. Such mechanisms would represent a shift toward more institutionalized and assertive sanctions framework, signaling a broader willingness to employ economic coercion as a tool of foreign policy.

Widening the gaze, the fact the two vocal, "non-western" opponents have started resorting to unilateral sanctions has several implications for the international legal order. The risk of taking an increasingly assertive posture should not be overlooked. First, and in the short term, it may deprive the legal argument of coherence. Thus far, such sanctions have been criticised for being a toolbox of the West dominance. Second, and paradoxically, it may contribute to the establishment of a legal regime, thereby reinforcing the use of sanctions by the senders. In fact, commentators remain divided as to the possibility of resorting to this type of sanctions, due to the presence of persistent objectors.

Therefore, it is submitted that the Sino-China stance is likely to *reshape* international rules on unilateral sanctions over time. By institutionalizing their sanctions domestically, they expand the range of accepted practices, contributing to an emerging "multipolar" sanctions landscape. Looking ahead, this trajectory may carry a diffusion effect. If more actors internalize the view that unilateral sanctions are permissible responses, the practice may shift from being a contested exception to a normalized feature of international relations. Global South States could invoke the Janus-faced approach explained by the present inquiry, pointing to Russia/China adopting what they long condemned. Furthermore, regional organizations may draw inspiration from their approaches. For instance, reference can be made to the ASEAN. Traditionally reluctant to impose sanctions on the account of the alleged breach of the principle of non-intervention—as China and Russia—ASEAN could gradually embrace such instruments.[240]

In addition, one must also take into account the prospect of China and Russia jointly imposing sanctions. Joint statements condemning sanctions against Russia outside of the UN architecture; high-profile gestures of political solidarity, such as joint military parades and frequent bilateral summits. These are but few examples of recent developments creating fertile ground for greater coordination, even in sanctions domain. In particular, the sanctions evasion has already intensified the relations between the two states. Facing unprecedented EU and U.S. sanctions, Russia has heincreasingly relied on China as a crucial outlet for trade, technology, and finance. China's financial infrastructure, particularly the Cross-Border Interbank Payment System (CIPS),

[239]Samuli Seppänen & Ewan Smith, *The New Chinese Doctrine of Non-Intervention*, 74 Int'l & Compar. L.Q. 377, 405–07 (2025).

[240]*See* Ass'n of Southeast Asian Nations [ASEAN], *Report of Eminent Persons Group on the ASEAN Charter*, at 2–4 (Dec. 2006), https://www.asean.org/wp-content/uploads/images/archive/19247.pdf (arguing that, in the context of the drafting of the 2008 ASEAN Charter, a group of Eminent Persons suggested recalibrating ASEAN's perspective on the principle of non-interference and considering the introduction of a "sanctions provision enabling the suspension of any rights and privileges of membership," a proposal met with firm opposition from the Member States). *See also* Elin Hellquist, *Regional Organizations and Sanctions Against Members: Explaining the Different Trajectories of the African Union, the League of Arab States, and the Association of Southeast Asian Nations* 11 (KFG Working Paper, Paper No. 59, 2014), https://www.ssoar.info/ssoar/bitstream/handle/document/37365/ssoar-2014-hellquist-Regional_Organizations_and_Sanctions_Against.pdf?sequence=1; Kerstin Schembera, *Understanding ASEAN's Approach to Sanctions Against Norm Breakers*, 42 Int'l Pol. Sci. Rev. 531, 537–40 (2021).

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has emerged as a partial substitute for SWIFT, while Chinese exports have filled gaps left by departing Western firms.[241] Therefore, by taking advantage of multilateral platform, such as the expansion of BRICS championed by both Russia and China, the latter may articulate common positions on sanctions and promote alternatives to Western-led economic governance.

For now, what may remain unchallenged is that China and Russia will not use "unilateral coercive economic measures to defend global norms" and that the imposition will still be driven by a responsive logic:[242] sanctions are levied only as a form of response and in so far as China and Russia have been previously targeted. Without claiming there is uniformity in Non-Aligned Movement, non-aligned and developing States are skeptical of Western-led sanctions, creating a permissive environment in which retaliatory measures can be justified without framing them as instruments for upholding global norms or communal values. Consequently, the lack of normative motivation in China and Russia's sanctions policy is both a product of domestic strategy and a reflection of the wider context of non-alignment. This is especially evident in the fact that what triggers the imposition of counter-sanctions is the alleged breach of the principle of non-intervention.

In terms of trends that characterize their sanctions policy, practice evidences that they are favoring measures that fall within the category of unilateral sanctions. By mapping the evolution that has occurred in utilization of such sanctions, this Article has provided insights which can be instrumental in further investigating their impact. Indeed, the UN General Assembly has tasked the Secretary General with monitoring the presence of unilateral sanctions and studying "the impact of such measures on the affected countries, including the impact on trade and development."[243] Moreover, taking a human rights angle, it can be noted that studying "trends, developments and challenges in relation to the negative impact of unilateral coercive measures on the enjoyment of human rights" represents one of core tasks of the UN Special Rapporteur on unilateral coercive measures.[244]

Ultimately, the utilization of such measures may accelerate the fracturing of the geopolitical order, with more competition and less integration producing a fraught new landscape in which a multiplicity of actors may wield the tools of economic coercion.[245]

Based on the foregoing, it seems appropriate to conclude this Article by putting forward at least four policy recommendations.

First, UN monitoring mechanisms could be enhanced to capture not only Western unilateral sanctions but also the counter-sanctions of non-Western powers. Strengthening the mandate of the Special Rapporteur on unilateral coercive measures would ensure balanced scrutiny. However, prospects for altering the mandate appear minimal, given that the Special Rapporteur's work is highly politicized and influenced by the positions of States under Western sanctions.

Second, it is worth monitoring the regional developments, especially in ASEAN, to see whether the Chinese use of sanctions my alter the posture of a typically "dormant" international organization from a sanctions perspective.

Third, as sanctions senders, Western states should recalibrate their sanctions strategies in recognition of Russia and China's growing retaliatory capacities, including by taking into account possible instances of convergence between these two States. The U.S. could consider being more cautious in applying extraterritorial sanctions, considering that China is now equipped with

[241] *See Russia Circumvents Sanctions Through Chinese Marketplaces*, ROBERT LANSING INST. (Aug. 20, 2025), https://lansinginstitute.org/2025/08/20/russia-circumvents-sanctions-through-chinese-marketplaces/.

[242] Harrell, Rosenberg & Saravalle, *supra* note 89, at 13.

[243] *See* G.A. Res. 72/201, U.N. Doc. A/72/201, para. 4 (Jan. 17, 2018), https://docs.un.org/en/A/RES/72/201#:~:text=Requests%20the%20Secretary%2DGeneral%20to,5 (requesting that the Secretary General to report on the effects deriving from coercive measures applied by developed countries vis-à-vis developing States). *See also* G.A. Res. 38/197, U.N. Doc. A/38/197 (Dec. 20, 1983), https://www.ohchr.org/sites/default/files/Documents/Issues/UCM/Res/A-RES-38-197.pdf.

[244] *See* Human Rights Council Res. 27/21, U.N. Doc. A/HRC/RES/27/21, para. 22 (Oct. 3, 2014).

[245] *See* Bâli, *supra* note 42, at 19.

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municipal laws devoted to respond to the so-called secondary effects. Moreover, western senders should incorporate humanitarian exemptions for at least two reasons. First, they serve as an important bargaining tool. By allowing limited channels of trade, particularly in essential goods such as food and medicine, senders can signal that sanctions are intended to constrain specific behaviors rather than indiscriminately punish populations. This calibrated approach preserves space for negotiations while maintaining pressure. Conversely, withholding exemptions risks conveying a rigid stance that may foreclose diplomatic engagement. Second, because Russia and China proved to display a reactive posture, they may consider approving humanitarian carve-out as long as the western packages do so. Therefore, it is important to maintain and strengthen humanitarian exemptions.[246]

Fourth, and relatedly, if the China and Russia keep engaging in international sanctions practice, the international community should seize this shift as an opening to press for clearer and consolidated global standards on sanctions, such as humanitarian exemptions.

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[246] *See generally* Katarzyna Urszula Gałka, *Making Exceptions Not Exceptional: Humanitarian Exemptions in Sanctions Regimes under International and EU Law*, 27 INT'L CMTY. L. REV. 459 (2025) (discussing humanitarian exemptions in sanctions regimes).

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