



中國政法大學

Chinese Attitudes Towards Unilateral Sanctions

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CHALLENGING AN

WINTERDEPENDENT
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Professor Kong Qingjiang
Dean

School of International Law
China University of Political Science and Law

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1. Persistent Objector

Unilateral sanctions are usually imposed by an individual State that resorts to certain measures as a primary tool of foreign policy with an objective of changing the targeted country's behaviour. These measures are often imposed by a State through application of its national legislation, which are prima facie extraterritorial in nature and more notably, against the established principles of international law.

1. Persistent Objector

In other words, unilateral sanctions are not justifiable under the principles of sovereign equality and non-interference enshrined in the Charter of the United Nations.

1. Persistent Objector

Chapter VII of the Charter of the United Nations addresses only sanctions in the form of collective measures, while unilateral sanctions are applied outside the scope of the Charter of the United Nations.

1. Persistent Objector

Ironically, it has been argued that under certain circumstances, unilateral sanctions have been made permissible by arguably customary international law, which has resulted from State practices.

1. Persistent Objector

In this presentation, I do not bother attempting to argue how wrong that argument is. Our keynote speakers have expounded the doctrine in a persuasive manner.

1. Persistent Objector

I will only argue that even if the customary international law argument might hold, China's persistent objection has given rise to the effect that it may consider itself not bound to observe the so-called customary international law.

1. Persistent Objector

However, China's persistent objection to unilateral sanctions is often associated with the well-established fundamental principles of sovereign equality and non-interference.

2. Chinese Attitudes

There are plenty of examples of Chinese practice that illustrate Chinese attitudes towards unilateral sanctions. I will only highlight a few recent examples excluding those relating to the Hong Kong SAR.

2. Chinese Attitudes

Syria

The United States decided to impose economic sanctions on 39 entities and individuals of Syria on 12 June 2020. Syria is a country wrecked by more than a decade of conflict, where 83 percent of the population live in poverty.

2. Chinese Attitudes

Syria

In response, Zhang Jun, China's Ambassador of the permanent mission to the United Nations, urged the United States to stop politicising humanitarian issues and immediately lift unilateral sanctions on Syria.

2. Chinese Attitudes

Iran

The United States since 1979 has applied various economic, trade, scientific and military sanctions against Iran. Currently, the United States' sanctions against Iran include an embargo on dealings with the country among others.

2. Chinese Attitudes

Iran

The United States has imposed sanctions against Iran in response to the Iranian nuclear program and Iranian support for Hezbollah, Hamas, and Palestine Islamic Jihad, that are considered terrorist organisations by the United States, as well as Iranian support for the militias in Iraq and in the Yemeni civil war.

2. Chinese Attitudes

Iran

China's Foreign Ministry spokesperson Hua Chunying emphasised when expounding China's views that it will never accept any unilateral sanctions that are not based on international law and will resolutely safeguard its legitimate rights and interests.

China has always been committed to maintaining peace and stability in the Middle East and the Gulf region, and actively promoting the political and diplomatic resolution of the Iranian nuclear issue. China will continue to handle military trade matters prudently in accordance with its own military product export policy and international obligations it has assumed.

2. Chinese Attitudes

North Korea

The new sanctions imposed by the United States on North Korea prohibit entities and individuals that has trade with North Korea from conducting business activities, hoping to prevent North Korea from developing nuclear weapons. The United States prohibits business activities with any enterprises, individuals, and financial institutions that do business with North Korea.

2. Chinese Attitudes

North Korea

The sanctions cover North Korea's construction, energy, financial, textile, information technology, manufacturing, shipping, and trade networks.

2. Chinese Attitudes

Trade War

China's Ministry of Foreign Affairs stated that China has always disapproved of unilateral sanctions by any country; in the current complex and sensitive situation on the peninsula, it opposes any measures that may cause further tension on the peninsula; so-called unilateral sanctions taken by any country shall not affect or harm China's legitimate rights and interests.

2. Chinese Attitudes

Trade War

The United States circumvented the WTO dispute settlement mechanism and on 6 July 2018 imposed an additional tariff of 25 percent against Chinese goods of USD 34 billion based on the Section 301 investigation, which escalated into a full-fledged trade war.

2. Chinese Attitudes

Trade War

In response to the various sanctions policies imposed by the United States, China has decided to take necessary measures to impose corresponding tariffs.

2. Chinese Attitudes

Trade War

In addition, China has introduced an ‘unreliable entity list’ system, which will block, cut off supplies, or other discriminatory measures against Chinese entities based on non-commercial purposes.

3. Concluding Remarks

Indeed, China has consistently and clearly opposed unilateral sanctions. In that sense, China is a persistent objector in this regard. China has consistently claimed that it was not bound since the norm's emergence.

3. Concluding Remarks

The country is thus entitled to the rights available to a persistent objector under international law. In other words, China is not bound by government action authorising unilateral sanctions, which might even be permissible even in light of the customary international law norm.

3. Concluding Remarks

China is a victim of unilateral sanctions. It is unrealistic for the outsiders to expect China to be bound by unilateral sanctions, which is not permissible under international law centred around the Charter of the United Nations. Even though there might have been argument that unilateral sanctions are under limited circumstance permissible, China will in no way give in to such dubious customary international law norm.