**UCM-Study on the notion, characteristics, legal status and targets of**

**unilateral sanctions**

1. **From your Government’s perspective, in what circumstances are the application of unilateral sanctions/measures legal under international law? What types of activity could be qualified as illegal unilateral coercive measures? Please, specify. What definition can be proposed for the identification of unilateral coercive measures?**

The Russian Government continuously emphasizes the role of the United Nations (UN) Security Council as a sole legitimate initiator of sanctions and other restrictive or punitive measures under the international law. In this Russia relies on Chapter VII of the UN Charter. Unilateral sanctions or other punitive measures are therefore considered legitimate under the international law in several cases:

1. when they comply with the corresponding Security Council resolutions and are aimed at incorporating and enforcing the UN sanctions regimes into the national sanctions’ regulations;
2. if unilateral sanctions/other restrictive measures are used by a target state as a reciprocity to unilateral sanctions of countries imposing unilateral measures against it (a.k.a. retortion);
3. if they are used in order to ensure the national security (security of citizens, human rights) of imposing country (under specific conditions).

Consequently, all unilateral/multilateral (if not adopted or compliant with the UN legal framework) extraterritorial coercive measures are considered illegal under the international law.

Unilateral coercive measures can thus be defined as “activities of a single state/group of states/international organizations (excluding the UN) aimed at changing the targets (individual, legal entity, state, group of states, international organization) behavior by exerting pressure on target via different restrictions (economic, political, legal measures)”.

1. **What is the position of your Government on the legal status and legality (in international law) of unilateral sanctions without or beyond the authorization of the UN Security Council? What is its position on the legal status and legality of unilateral sanctions as countermeasures against another party’s unilateral sanctions? What is its position on the legal status and legality of physical means (*e.g*. blockades) or cyber means to enforce unilateral sanctions?**

Russian Governments’ official stance generally views unilateral sanctions without or beyond the authorization of the UN Security Council as illegal under the international law. Unilateral sanctions may be considered legitimate in case they are used as appropriate countermeasures against another party’s unilateral sanctions (retortions – see previous answer).

However, in some cases (e.g., ensuring the national security of imposing country, the security and rights of its citizens and legal entities, etc.) unilateral coercive measures can be considered legal. Apart from compliance with the UN sanctions regimes and regulations and reciprocity principle, unilateral coercive/punitive measures should also comply with a set of specific conditions. Such measures should be:

* Legal (based on specific pieces of national and international legislation);
* Transparent (norms and decisions should be open to public and easily accessible);
* Objective (the use of coercive measures should be justified by solid evidence);
* Temporary or aimed at remedying the causes of such measures;
* Adequate (reasonable sufficient) and proportional (especially in case of retortions);
* Territorial (should include only the jurisdiction of the imposing state as well as its individuals and legal entities);
* Targeted (only specific individuals and legal entities designated as sanctions targets under the corresponding legislation should be touched by the coercive measures. Thus sectoral sanctions are considered illegal).

Physical measures (blockades) are considered legal only in case they are authorized and compliant with the UN Security Council resolutions and decisions. Cyber means of enforcing the coercive measures are considered as illegal.

1. **What is the position of your Government on the legal status and legality of (a) unilateral sectoral sanctions and (b) unilateral sanctions against legal persons (individuals and entities)? Can the latter be qualified as criminal punishment / civil penalty / administrative penalty / collective punishment / any other qualification?**

Unilateral sectoral sanctions are considered illegal (see previous point), while sanctions against legal entities can be legal under certain conditions (see previous point). The latter is qualified primarily as a civil penalty (criminal punishment can apply only to individuals violating the sanctions regimes – the UN sanctions, or to imposing country’s nationals in case of violating the national sanctions regimes).

1. **What measures are taken by your Government to implement sanctions of the UN Security Council? Does your government take supplemental measures beyond the Security Council’s sanctions? Please, specify.**

The Russian Government incorporates all sanctions imposed under the UN Security Council resolutions into national sanctions regulations.

1. **What is the opinion of your Government on the extraterritorial application of unilateral sanctions (its existence, cases, forms, admissibility and legality)? Please, specify.**

The Government of Russia does not accept extraterritorial sanctions (if not the UN Security Council sanctions), considering them illegal and not correspondent to international law.

1. **Is there any legal ground from the perspective of your Government for individuals or entities that violate the rules of a unilateral sanctions regime to be targeted by sanctions (secondary sanctions)? What is the position of your Government on the legal status and legality of**

**secondary sanctions in international law (a) when the targets are domestic citizens or entities, and (b) when the targets are extraterritorial? What rules are applied to nationals of third states as concerns the application of secondary sanctions?**

Russia believes secondary sanctions legal when they are aimed at individuals and legal entities within the national jurisdiction of the country that imposes sanctions. Any extraterritorial use of secondary sanctions is considered illegal.

Russian legislation does not apply any punitive measures for violating the Russian sanctions regimes to third states nationals or entities.

1. **What is the position of your Government towards over-compliance with sanctions resulting from extraterritorial enforcement? Please, specify. How does your Government address such “over-compliance”?**

Any compliance with foreign sanctions regimes against Russia by Russian nationals and entities is condemned (“zero compliance” principle). There’ve been several attempts to include into the Criminal Code certain provisions that prohibit such compliance, however, little progress has been made so far.

1. **Who, from the perspective of your Government, can be viewed as targets of unilateral sanctions? Please, specify. What rights of targets of unilateral sanctions are affected?**

Both individuals and legal entities from the countries, which have imposed sanctions against Russia.

* Individuals (entry ban, assets freeze, prohibition of transactions),
* Legal entities (prohibition of transactions with Russian entities, assets freeze, entry ban for entities officials).