

Biden Administration Imposes Sanctions and Seeks to Cement Alliances to Counter China and Russia

doi:10.1017/ajil.2021.28

The Biden administration's foreign policy emphasizes repairing U.S. alliances and returning the United States to a "position of trusted leadership" to counter increasing challenges from Russia and especially China.¹ The U.S. Interim National Security Strategic Guidance (INSSG), released in March 2021, notes that the United States must "contend with the reality that the distribution of power across the world is changing."² It highlights that China, which has "rapidly become more assertive," is the only country "potentially capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system," while "Russia remains determined to enhance its global influence and play a disruptive role on the world stage."³ To reaffirm established international norms, the Biden administration has acted both unilaterally and in coordination with long-standing allies to impose sanctions in response to human rights abuses, malicious cyber activity, and election influence. The administration has also taken steps to cement alliances in the Indo-Pacific and with the West.

Although the Biden administration's embrace of the international system differs greatly from the Trump administration's adversarial relationship with international institutions,⁴ there is some continuity across the administrations' approaches to China and even to a degree on Russia. On China, the Trump administration imposed tariffs to induce Beijing to change its economic practices and sanctioned it for human rights abuses,⁵ and despite President Trump's famously conciliatory relationship with Russian President Vladimir Putin, the Trump administration nonetheless issued indictments, imposed sanctions, and conducted military operations in opposition to Russian goals.⁶ The Biden administration appears to be embarking on a similar path, but doing so in concert with allies and like-minded democracies.

With respect to Russia, the Biden administration has explained that it is "neither seeking to reset our relations with Russia, nor . . . seeking to escalate."⁷ Although Biden and Putin

¹ Joseph R. Biden, Jr., Remarks at the Munich Security Conference "Special Edition 2021" and an Exchange with Reporters, 2021 DAILY COMP. PRES. DOC. 151, at 2 (Feb. 19, 2021).

² WHITE HOUSE, INTERIM NATIONAL SECURITY STRATEGIC GUIDANCE, at 7–8 (2021), available at <https://www.whitehouse.gov/wp-content/uploads/2021/03/NSC-1v2.pdf> [<https://perma.cc/E9EV-CEU4>].

³ *Id.* at 8.

⁴ Kristen E. Eichensehr, Contemporary Practice of the United States, 115 AJIL 323–29 (2021).

⁵ Ryan Hass, *Lessons from the Trump Administration's Policy Experiment on China*, BROOKINGS (Sept. 25, 2020), at <https://www.brookings.edu/research/lessons-from-the-trump-administrations-policy-experiment-on-china>.

⁶ Alina Polyakova & Filippos Letsas, *On the Record: The U.S. Administration's Actions on Russia*, BROOKINGS (Dec. 31, 2019), at <https://www.brookings.edu/blog/order-from-chaos/2018/09/25/on-the-record-the-u-s-administrations-actions-on-russia>.

⁷ White House Press Release, Press Briefing by Press Secretary Jen Psaki (Mar. 2, 2021) at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/03/02/press-briefing-by-press-secretary-jen-psaki-march-2-2021> [<https://perma.cc/5R6V-899Q>]; see also Joseph R. Biden, Jr., Remarks on Russia–United States Relations and an Exchange with Reporters, 2021 DAILY COMP. PRES. DOC. 316, at 1 (Apr. 15, 2021) ("The United States is not looking to kick off a cycle of escalation and conflict with Russia. We want a stable, predictable relationship.").

quickly reached agreement in February to extend the New START nuclear arms treaty for an additional five years,⁸ the Biden administration has since taken a number of steps to counter Russia on a variety of fronts.

In its first major action, the United States coordinated with allies to sanction Russian officials for “Russia’s poisoning and subsequent imprisonment of Russian opposition figure Aleksey Navalny.”⁹ Navalny, Putin’s most prominent critic, displayed symptoms of being poisoned with a Novichok agent in August 2020.¹⁰ Following convalescence in Germany, Navalny returned to Russia on January 17, and Russian authorities immediately imprisoned him.¹¹ On March 2, the Departments of Treasury, State, and Commerce imposed economic sanctions on nine senior Russian officials; added six entities to the Countering America’s Adversaries Through Sanctions Act List, which imposes mandatory sanctions on “any person who knowingly engages in a significant transaction with” these entities; and placed new export restrictions on items that could be used for biological agent and chemical weapons production under the Chemical and Biological Weapons Control and Warfare Elimination Act.¹²

The sanctions brought the United States into line with sanctions the European Union (EU) had previously imposed, and in coordination with the United States, the EU added sanctions on two additional individuals sanctioned by the United States.¹³ In announcing the coordinated sanctions, U.S. Secretary of State Antony Blinken asserted that, “[t]he United States joins the European Union in condemning and responding to the Russian Federation’s use of a chemical weapon in the attempted assassination of Russian opposition figure Aleksey Navalny in August 2020 and his subsequent imprisonment,” and explained that the United States “exercised its authorities to send a clear signal that Russia’s use of chemical weapons and abuse of human rights have severe consequences.”¹⁴ White House Press Secretary Jen Psaki noted that Blinken’s announcement “was not meant to be a silver bullet

⁸ Eichensehr, *supra* note 4.

⁹ U.S. Dep’t of Treasury Press Release, Treasury Sanctions Russian Officials in Response to the Novichok Poisoning of Aleksey Navalny (Mar. 2, 2021), at <https://home.treasury.gov/news/press-releases/jy0045>.

¹⁰ Michael Schwirtz, *Aleksei Navalny Was Poisoned at His Hotel, His Team Says*, N.Y. TIMES (Sept. 17, 2021), at <https://www.nytimes.com/2020/09/17/world/europe/aleksei-navalny-poisoning-water-bottle-russia.html>.

¹¹ Daria Litvinova & Vladimir Isachenkov, *Moscow Court Orders Kremlin Foe Navalny to Prison*, AP NEWS (Feb. 2, 2021) at <https://apnews.com/article/aleksei-navalny-russia-court-hearing-756b164d581d756b66b2fdc5bbe15932>.

¹² U.S. Dep’t of State Press Release, Imposing Sanctions on Russia for the Poisoning and Imprisonment of Aleksey Navalny (Mar. 2, 2021), at <https://www.state.gov/imposing-sanctions-on-russia-for-the-poisoning-and-imprisonment-of-aleksey-navalny> [<https://perma.cc/5A8N-JL5J>]; U.S. Dep’t of State Fact Sheet, U.S. Sanctions and Other Measures Imposed on Russia in Response to Russia’s Use of Chemical Weapons (Mar. 2, 2021), at <https://www.state.gov/u-s-sanctions-and-other-measures-imposed-on-russia-in-response-to-russias-use-of-chemical-weapons> [<https://perma.cc/W2CC-MA2Z>]; U.S. Dep’t of Commerce Press Release, U.S. Department of Commerce to Expand Restrictions on Exports to Russia in Response to Chemical Weapons Poisoning (Mar. 17, 2021), at <https://www.commerce.gov/news/press-releases/2021/03/us-department-commerce-expand-restrictions-exports-russia-response> [<https://perma.cc/6HAD-95CL>].

¹³ Council Implementing Regulation (EU) 2021/371 of 2 March 2021, at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0371&from=EN>; European Council Press Release, Use of Chemical Weapons in the Assassination Attempt on Alexei Navalny: EU Sanctions Six Individuals and One Entity (Oct. 15, 2020), at <https://www.consilium.europa.eu/en/press/press-releases/2020/10/15/use-of-chemical-weapons-in-the-assassination-attempt-on-aleksei-navalny-eu-sanctions-six-individuals-and-one-entity>; see also U.S. Dep’t of State Press Release, *supra* note 12.

¹⁴ U.S. Dep’t of State Press Release, *supra* note 12.

or an ending to what has been a difficult relationship with Russia. We expect the relationship to continue to be a challenge.”¹⁵

On March 17, the U.S. intelligence community released a report highlighting Russia’s influence operations in the 2020 presidential election,¹⁶ and in a media interview, President Biden responded affirmatively to the question, “do you think he [Putin] is a killer?”¹⁷ That same day, Russia recalled its ambassador, Anatoly Antonov, from the United States. The Russian Foreign Ministry said Antonov was “summoned to Moscow for consultations in order to analyse what needs to be done in the context of relations with the United States.”¹⁸

On April 15, the United States took several steps to hold Russia accountable for a variety of destabilizing actions. President Biden issued an Executive Order (EO), entitled “Blocking Property with Respect to Specified Harmful Foreign Activities of the Government of the Russian Federation.”¹⁹ Citing the International Emergency Economic Powers Act, the National Emergencies Act, and the Immigration and Nationality Act of 1952, the Order declared a national emergency and explained:

[S]pecified harmful foreign activities of the Government of the Russian Federation—in particular, efforts to undermine the conduct of free and fair democratic elections and democratic institutions in the United States and its allies and partners; to engage in and facilitate malicious cyber-enabled activities against the United States and its allies and partners; to foster and use transnational corruption to influence foreign governments; to pursue extraterritorial activities targeting dissidents or journalists; to undermine security in countries and regions important to United States national security; and to violate well-established principles of international law, including respect for the territorial integrity of states—constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.²⁰

The Biden administration immediately used some of the new authorities provided by the Order. The Treasury Department’s Office of Foreign Assets Control issued:

a directive that generally prohibits U.S. financial institutions from participating in the primary market for ruble or non-ruble denominated bonds issued after June 14, 2021 by the Central Bank of the Russian Federation, the National Wealth Fund of the

¹⁵ White House Press Release, *supra* note 7.

¹⁶ Eichensehr, *supra* note 4, at 315.

¹⁷ Biden’s Exclusive Interview with George Stephanopoulos, ABC NEWS, at 6:12 (ABC television broadcast Mar. 17, 2021), at <https://abcnews.go.com/US/video/abc-news-live-update-bidens-exclusive-interview-george-76510757>.

¹⁸ The Ministry of Foreign Affairs of the Russian Federation Press Release, Comment by Foreign Ministry Spokeswoman Maria Zakharova (Mar. 17, 2021), at https://www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckN0nkJE02Bw/content/id/4640791. Russia last recalled its ambassador in 1998, to protest U.S. airstrikes against Iraq. Anton Troianovski, *Russia Erupts in Fury Over Biden’s Calling Putin a Killer*, N.Y. TIMES (Mar. 18, 2021), at <https://www.nytimes.com/2021/03/18/world/europe/russia-biden-putin-killer.html>.

¹⁹ Exec. Order No. 14,024, 86 Fed. Reg. 20,249 (April 15, 2021).

²⁰ *Id.*

Russian Federation, or the Ministry of Finance of the Russian Federation, and further prohibits U.S. financial institutions from lending ruble or non-ruble denominated funds to these three entities.²¹

Commentators noted that “the action will complicate Moscow’s ability to raise money in the international capital markets.”²²

The administration also used the new authority to respond to the SolarWinds hacking campaign,²³ which it formally attributed to Russia’s Foreign Intelligence Service (SVR).²⁴ The Treasury Department sanctioned six “companies operating in the technology sector of the Russian Federation economy that support Russian Intelligence Services.”²⁵ Although the United States has characterized the SolarWinds incident as “an intelligence gathering effort,”²⁶ a senior administration official cited “three core reasons” for the U.S. response:

First, that broad scope and scale of the compromise, it’s a national security and public safety concern.

Second, . . . the speed with which an actor can move from espionage to degrading or disrupting a network is at the blink of an eye, and a defender cannot move at that speed. And given the history of Russia’s malicious activity in cyberspace and their reckless behavior in cyberspace, that was a key concern.

And finally, the hack placed an undue burden on the mostly private-sector victims who must bear the unusually high costs of mitigating this incident.²⁷

²¹ U.S. Dep’t of Treasury Press Release, Treasury Sanctions Russia with Sweeping New Sanctions Authority (Apr. 15, 2021), at <https://home.treasury.gov/news/press-releases/jy0127>.

²² Ellen Nakashima, *Biden Administration Imposes Significant Economic Sanctions on Russia Over Cyberspying, Efforts to Influence Presidential Election*, WASH. POST (Apr. 15, 2021), at https://www.washingtonpost.com/national-security/biden-to-announce-tough-sanctions-on-russia-over-cyber-spying/2021/04/15/a4c1d260-746e-11eb-948d-19472e683521_story.html.

²³ Eichensehr, *supra* note 4, at 316–17.

²⁴ White House Press Release, FACT SHEET: Imposing Costs for Harmful Foreign Activities by the Russian Government (Apr. 15, 2021) at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/15/fact-sheet-imposing-costs-for-harmful-foreign-activities-by-the-russian-government> [<https://perma.cc/5897-XA8E>].

²⁵ U.S. Dep’t of Treasury Press Release, *supra* note 21.

²⁶ Cybersecurity & Infrastructure Security Agency Press Release, Joint Statement by the Federal Bureau of Investigation (FBI), the Cybersecurity And Infrastructure Security Agency (CISA), the Office of The Director of National Intelligence (ODNI), and the National Security Agency (NSA) (Jan. 5, 2021), at <https://www.cisa.gov/news/2021/01/05/joint-statement-federal-bureau-investigation-fbi-cybersecurity-and-infrastructure> [<https://perma.cc/CC8Q-LF3A>].

²⁷ White House Press Release, Background Press Call by Senior Administration Officials on Russia (Apr. 15, 2021), at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/04/15/background-press-call-by-senior-administration-officials-on-russia> [<https://perma.cc/2T8P-XXQ3>]. The Treasury Department also noted that the SVR “put at risk the global technology supply chain by allowing malware to be installed on the machines of tens of thousands of SolarWinds’ customers” and that it “stole ‘red team tools,’ . . . from a U.S. cyber security company,” that could “create additional opportunities for malign actors to target computer systems worldwide.” See U.S. Dep’t of Treasury Press Release, *supra* note 21.

Following the sanctions announcement, several governments, including the United Kingdom (UK),²⁸ Canada,²⁹ and Australia,³⁰ formally attributed the SolarWinds intrusion to Russia's SVR, and others, including the EU³¹ and New Zealand,³² joined in condemning Russia.

Also on April 15, the United States issued sanctions for Moscow's attempts to influence the 2020 election and expanded sanctions for Russia's occupation of Crimea. In what Treasury Secretary Janet Yellen called "the start of a new U.S. campaign against Russian malign behavior," the Treasury Department imposed sanctions on "16 entities and 16 individuals who attempted to influence the 2020 U.S. presidential election at the direction of the leadership of the Russian Government."³³ According to the intelligence community, Putin authorized "influence operations aimed at denigrating [then-candidate] Biden."³⁴ The sanctions targeted "disinformation outlets" operated by or otherwise affiliated with Russian Intelligence Services, as well as some individuals who the Treasury Department had previously sanctioned.³⁵ Acting in concert with the EU, UK, Canada, and Australia, Treasury also sanctioned "five individuals and three entities related to Russia's occupation of the Crimea region of Ukraine and its severe human rights abuses against the local population."³⁶

Notably, the United States chose not to sanction Russia for offering bounties for attacks on U.S. and coalition forces in Afghanistan.³⁷ The White House noted that "[t]he Administration is responding to the reports that Russia encouraged Taliban attacks against U.S. and coalition personnel in Afghanistan based on the best assessments from the

²⁸ United Kingdom Foreign, Commonwealth & Development Office Press Release, Russia: UK and US Expose Global Campaign of Malign Activity by Russian Intelligence Services (Apr. 15, 2021), at <https://www.gov.uk/government/news/russia-uk-and-us-expose-global-campaigns-of-malign-activity-by-russian-intelligence-services>.

²⁹ Government of Canada Press Release, Statement on SolarWinds Cyber Compromise (Apr. 15, 2021), at <https://www.canada.ca/en/global-affairs/news/2021/04/statement-on-solarwinds-cyber-compromise.html>.

³⁰ Australia Minister of Foreign Affairs Press Release, Attribution of Cyber Incident to Russia (Apr. 15, 2021), at <https://www.foreignminister.gov.au/minister/marise-payne/media-release/attribution-cyber-incident-russia>.

³¹ European Council Press Release, Declaration by the High Representative on Behalf of the European Union Expressing Solidarity with the United States on the Impact of the Solarwinds Cyber Operation (Apr. 15, 2021), at <https://www.consilium.europa.eu/en/press/press-releases/2021/04/15/declaration-by-the-high-representative-on-behalf-of-the-european-union-expressing-solidarity-with-the-united-states-on-the-impact-of-the-solarwinds-cyber-operation>.

³² New Zealand Government Press Release, SolarWinds Compromise Attributed to Russian State Actor (Apr. 16, 2021), at <https://www.beehive.govt.nz/release/solarwinds-compromise-attributed-russian-state-actor>.

³³ U.S. Dep't of Treasury Press Release, Treasury Escalates Sanctions Against the Russian Government's Attempts to Influence U.S. Elections (Apr. 15, 2021), at <https://home.treasury.gov/news/press-releases/jy0126>; see also Eichensehr, *supra* note 4, at 315.

³⁴ NAT'L INTEL. COUNCIL, FOREIGN THREATS TO THE 2020 US FEDERAL ELECTION, ICA 2020-00078D (Mar. 10, 2021), available at <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf> [<https://perma.cc/6FEG-HRM4>].

³⁵ U.S. Dep't of Treasury Press Release, *supra* note 33. The press release identified Konstantin Kilimnik, a "Russian and Ukrainian political consultant and known Russian Intelligence Services agent" who, in 2016, "provided the Russian Intelligence Services with sensitive information on polling and campaign strategy." *Id.* Commentators noted this was "the strongest evidence to date that Russian spies had penetrated the inner workings of the Trump campaign." Mark Mazzetti & Michael Schmidt, *Biden Administration Says Russian Intelligence Obtained Trump Campaign Data*, N.Y. TIMES (Apr. 15, 2021), at <https://www.nytimes.com/2021/04/15/us/politics/russian-intelligence-trump-campaign.html>.

³⁶ U.S. Dep't of Treasury Press Release, Treasury Sanctions Russian Persons in the Crimea Region of Ukraine (Apr. 15, 2021), at <https://home.treasury.gov/news/press-releases/jy0125>.

³⁷ Charlie Savage, Eric Schmitt & Michael Schwirtz, *Russia Secretly Offered Afghan Militants Bounties to Kill U.S. Troops, Intelligence Says*, N.Y. TIMES (June 26, 2020), at <https://www.nytimes.com/2020/06/26/us/politics/russia-afghanistan-bounties.html>.

Intelligence Community,” but that it was doing so “through diplomatic, military and intelligence channels.”³⁸ In a press call, a senior administration official explained that the U.S. intelligence community has “low to moderate confidence” in the determination that Russia encouraged attacks “in part because it relies on detainee reporting and due to the challenging operating environment in Afghanistan.”³⁹ The official said that the intelligence “puts a burden on the Russian government to explain its actions and take steps to address this disturbing pattern of behavior.”⁴⁰ Based on talking points provided to it by the National Security Council, the *New York Times* subsequently reported that the United States credited the bounty allegations because a “Taliban-linked network had been working closely with operatives from a notorious unit of the G.R.U., the Russian military intelligence service, known for assassination operations.”⁴¹

Finally, the United States responded to Russia’s actions by expelling “ten personnel from the Russian diplomatic mission in Washington, DC,” including “representatives of Russian intelligence services.”⁴² In response, Russia said U.S. “conduct will certainly meet with resolute resistance.”⁴³ Russia promptly expelled ten U.S. diplomats and barred eight current and former U.S. government officials, including Attorney General Merrick Garland, FBI Director Christopher Wray, Director of National Intelligence Avril Haines, Secretary of Homeland Security Alejandro Mayorkas, and former National Security Advisor John Bolton.⁴⁴ Russia also called on U.S. ambassador to Russia, John Sullivan, to return to Washington “for consultations.”⁴⁵ On April 20, Ambassador Sullivan announced he was returning to the United States “to speak directly with my new colleagues in the Biden administration . . . [and] to return home for a visit.”⁴⁶

Despite its recent focus on Russia, the Biden administration has identified China as a more significant challenge.⁴⁷ Secretary Blinken has argued that meeting the challenge posed by

³⁸ White House Press Release, *supra* note 24.

³⁹ White House Press Release, Background Press Call by Senior Administration Officials on Russia (Apr. 15, 2021), at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/04/15/background-press-call-by-senior-administration-officials-on-russia> [https://perma.cc/2T8P-XXQ3].

⁴⁰ *Id.*

⁴¹ Charlie Savage, Eric Schmitt & Michael Schwartz, *Russian Spy Team Left Traces that Bolstered C.I.A.’s Bounty Judgment*, N.Y. TIMES (May 7, 2021), at <https://www.nytimes.com/2021/05/07/us/politics/russian-bounties-nsc.html>.

⁴² White House Press Release, *supra* note 24.

⁴³ Ministry of Foreign Affairs of the Russian Federation Press Release, Briefing by Foreign Ministry Spokeswoman Maria Zakharova (Apr. 15, 2021), at https://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4687881.

⁴⁴ Robyn Dixon, *Russia to Expel 10 U.S. Diplomats in Response to Biden Administration Sanctions*, WASH. POST (Apr. 16, 2021), at https://www.washingtonpost.com/world/europe/russia-sanctions-biden-putin/2021/04/16/4a173842-9e25-11eb-b2f5-7d2f0182750d_story.html; Andrew Osborn & Tom Balmforth, *Russia, Retaliating Against Washington, Asks 10 U.S. Diplomats to Leave*, REUTERS (Apr. 16, 2021), at <https://www.reuters.com/business/finance/kremlin-says-putin-decide-counter-sanctions-against-washington-2021-04-16>.

⁴⁵ Dixon, *supra* note 44.

⁴⁶ U.S. Embassy & Consulates in Russia Press Release, Ambassador Sullivan Is Returning to the United States for Consultations this Week (Apr. 20, 2021), at <https://ru.usembassy.gov/ambassador-sullivan-is-returning-to-the-united-states-for-consultations-this-week> [https://perma.cc/NSB2-MKCT].

⁴⁷ U.S. Dep’t of State Press Release, A Foreign Policy for the American People (Mar. 3, 2021), at <https://www.state.gov/a-foreign-policy-for-the-american-people> [https://perma.cc/4DR6-4LHS].

China “requires working with allies and partners, not denigrating them, because our combined weight is much harder for China to ignore” and “engaging in diplomacy and in international organizations, because where we have pulled back, China has filled in.”⁴⁸

When high-level diplomats from Washington and Beijing met for the first time in Alaska on March 18, the two sides clashed over their vision of the global order.⁴⁹ In his opening remarks Blinken stated that the meeting would address “our deep concerns with actions by China, including in Xinjiang, Hong Kong, Taiwan, cyber attacks on the United States, and economic coercion toward our allies,” all of which “threaten the rules-based order that maintains global stability.”⁵⁰ In response, China’s top diplomat, Yang Jiechi, said:

[W]e believe that it is important for the United States to change its own image and to stop advancing its own democracy in the rest of the world. . . . I think the problem is that the United States has exercised long-arm jurisdiction and suppression and overstretched the national security through the use of force or financial hegemony, and this has created obstacles for normal trade activities, and the United States has also been persuading some countries to launch attacks on China.⁵¹

Chinese diplomats also criticized economic sanctions that the United States issued on the eve of the talks,⁵² targeting twenty-four Chinese officials for undermining Hong Kong’s democratic freedoms.⁵³

In the days following the summit, the Biden Administration imposed additional sanctions targeting Chinese government officials involved in abuses in Xinjiang. On January 19, the Trump Administration determined that China “committed genocide against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang . . . [and] this genocide is ongoing.”⁵⁴ On March 22, in coordination with the EU,⁵⁵ UK,⁵⁶ and Canada,⁵⁷ the United States sanctioned two Chinese officials under the

⁴⁸ *Id.*

⁴⁹ Lara Jakes, *In First Talks, Dueling Accusations Set Testy Tone for U.S.-China Diplomacy*, N.Y. TIMES (Mar. 18, 2021), at <https://www.nytimes.com/2021/03/18/us/politics/china-blinken-sullivan.html>.

⁵⁰ U.S. Dep’t of State Press Release, Secretary Antony J. Blinken, National Security Advisor Jake Sullivan, Director Yang and State Councilor Wang at the Top of Their Meeting (Mar. 18, 2021), at <https://www.state.gov/secretary-antony-j-blinken-national-security-advisor-jake-sullivan-chinese-director-of-the-office-of-the-central-commission-for-foreign-affairs-yang-jiechi-and-chinese-state-councilor-wang-yi-at-th> [<https://perma.cc/D2GG-G848>].

⁵¹ *Id.*

⁵² *Id.*

⁵³ U.S. Dep’t of Treasury Press Release, Hong Kong-Related Designations Updates (Mar. 17, 2021), at <https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20210317>.

⁵⁴ U.S. Dep’t of State Press Release, Determination of the Secretary of State on Atrocities in Xinjiang (Jan. 19, 2021), at <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html> [<https://perma.cc/9RBZ-KHMY>].

⁵⁵ European Council Press Release, EU Imposes Further Sanctions Over Serious Violations of Human Rights Around the World (Mar. 22, 2021), at <https://www.consilium.europa.eu/en/press/press-releases/2021/03/22/eu-imposes-further-sanctions-over-serious-violations-of-human-rights-around-the-world>.

⁵⁶ United Kingdom Foreign, Commonwealth & Development Office Press Release, UK Sanctions Perpetrators of Gross Human Rights Violations in Xinjiang, Alongside EU, Canada and US (Mar. 22, 2021), at <https://www.gov.uk/government/news/uk-sanctions-perpetrators-of-gross-human-rights-violations-in-xinjiang-alongside-eu-canada-and-us>.

⁵⁷ Government of Canada Press Release, Canada Joins International Partners in Imposing New Sanctions in Response to Human Rights Violations in Xinjiang (Mar. 22, 2021), at <https://www.canada.ca/en/global-affairs/>

Global Magnitsky Act for serious human rights abuses in Xinjiang.⁵⁸ New Zealand and Australia joined in condemning the human rights abuses,⁵⁹ but stopped short of issuing sanctions in part because neither country has Global Magnitsky Act-type legislation.⁶⁰ When announcing the sanctions, Secretary Blinken stated:

Amid growing international condemnation, the PRC continues to commit genocide and crimes against humanity in Xinjiang. The United States reiterates its calls on the PRC to bring an end to the repression of Uyghurs . . . and members of other ethnic and religious minority groups in Xinjiang, including by releasing all those arbitrarily held in internment camps and detention facilities.⁶¹

China responded with sanctions of its own. Between March 22 and 27, China sanctioned ten Europeans, including members of the European Parliament,⁶² nine UK officials,⁶³ and two individuals from the U.S. Commission on International Religious Freedom.⁶⁴ Blinken called these sanctions “baseless” and said that “Beijing’s attempts to intimidate and silence those speaking out for human rights and fundamental freedoms only contribute to the growing international scrutiny of the ongoing genocide and crimes against humanity in Xinjiang.”⁶⁵ In May, China imposed sanctions on a former commissioner of the U.S. Commission on International Religious Freedom, drawing further condemnation from the United States.⁶⁶

President Biden has also continued President Trump’s economic pressure on China to address human rights abuses and change its economic policies. The Biden administration has left in place a December 2020 ban on cotton from Xinjiang, which provides twenty per-

[news/2021/03/canada-joins-international-partners-in-imposing-new-sanctions-in-response-to-human-rights-violations-in-xinjiang.html](https://www.washingtonpost.com/news/2021/03/canada-joins-international-partners-in-imposing-new-sanctions-in-response-to-human-rights-violations-in-xinjiang.html).

⁵⁸ U.S. Dep’t of Treasury Press Release, Treasury Sanctions Chinese Government Officials in Connection with Serious Human Rights Abuse in Xinjiang (Mar. 22, 2021), at <https://home.treasury.gov/news/press-releases/jy0070>.

⁵⁹ New Zealand Government Press Release, Joint Statement on Human Rights Abuses in Xinjiang (Mar. 23, 2021), at <https://www.beehive.govt.nz/release/joint-statement-human-rights-abuses-xinjiang>.

⁶⁰ Daniel Hurst, *Australia and New Zealand Welcome Sanctions on China Over Uighur Abuses but Impose None of Their Own*, GUARDIAN (Mar. 23, 2021), at <https://www.theguardian.com/world/2021/mar/23/australia-and-new-zealand-welcome-china-sanctions-over-uighur-abuses-but-impose-none-of-their-own>.

⁶¹ U.S. Dep’t of State Press Release, Promoting Accountability for Human Rights Abuse with Our Partners (Mar. 22, 2021), at <https://www.state.gov/promoting-accountability-for-human-rights-abuse-with-our-partners> [<https://perma.cc/AHD7-B2NS>].

⁶² Ministry of Foreign Affairs of the People’s Republic of China Press Release, Foreign Ministry Spokesperson Announces Sanctions on Relevant EU Entities and Personnel (Mar. 22, 2021), at https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1863106.shtml.

⁶³ Ministry of Foreign Affairs of the People’s Republic of China Press Release, Foreign Ministry Spokesperson Announces Sanctions on Relevant UK Individuals and Entities (Mar. 26, 2021), at https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1864366.shtml.

⁶⁴ Ministry of Foreign Affairs of the People’s Republic of China Press Release, Foreign Ministry Spokesperson Announces Sanctions on Sanctions on Relevant US and Canadian Individuals and Entity (Mar. 27, 2021), at https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1864787.shtml.

⁶⁵ U.S. Dep’t of State Press Release, PRC Sanctions on U.S. Officials (Mar. 27, 2021), at <https://www.state.gov/prc-sanctions-on-u-s-officials> [<https://perma.cc/E63N-ZXG4>].

⁶⁶ U.S. Dep’t of State Press Release, PRS Sanctions on a Former U.S. Official (May 27, 2021), at <https://www.state.gov/prc-sanctions-on-a-former-u-s-official> [<https://perma.cc/9AGB-GW39>].

cent of the world supply.⁶⁷ So far, the Biden administration has maintained Trump administration tariffs on a variety of other Chinese products as well.⁶⁸

In addition to its general focus on working with allies, the United States has sought to strengthen alliances specifically in the Indo-Pacific. On March 12, the Quad—Australia, India, Japan, and the United States—conducted its first-ever official head-of-state meeting.⁶⁹ The resulting joint statement “pledge[d] to respond to the economic and health impacts of COVID-19, combat climate change, and address shared challenges, including in cyber space, critical technologies, counterterrorism, quality infrastructure investment, and humanitarian-assistance and disaster-relief as well as maritime domains.”⁷⁰ Although the statement did not explicitly mention China, National Security Adviser Jake Sullivan told reporters that the Quad leaders discussed recent Chinese “[economic] coercion of Australia, their harassment around the Senkaku Islands, [and] their aggression on the border with India.”⁷¹

To counter Biden’s alliance of democracies,⁷² China is seeking to draw together traditional U.S. adversaries. On March 10, Russia and China agreed to build a joint research station on the moon.⁷³ While there are no immediate plans to build the base, commentators note that this could signal that Russia and China are creating a de facto alliance.⁷⁴ On March 27, Iran and China signed a twenty-five-year strategic \$400 billion cooperation agreement, which provides China with Iranian oil in exchange for investments in infrastructure and telecommunications and the establishment of an Iranian-Chinese bank.⁷⁵ Moscow and Beijing also released a joint statement in March urging the United States to “reflect on the damage it has done to global peace and development in recent years, halt unilateral bullying, stop meddling

⁶⁷ U.S. Customs and Border Protection Press Release, CBP Issues Detention Order on Cotton Products Made by Xinjiang Production and Construction Corps Using Prison Labor (Dec. 2, 2020), at <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-detention-order-cotton-products-made-xinjiang-production> [<https://perma.cc/ERR8-BJTD>]; Eva Dou, Jeanne Whalen & Alicia Chen, *U.S. Ban on China’s Xinjiang Cotton Fractures Fashion Industry Supply Chains*, WASH. POST (Feb. 22, 2021), at https://www.washingtonpost.com/world/asia_pacific/china-cotton-sanctions-xinjiang-uighurs/2021/02/21/a8a4b128-70ee-11eb-93be-c10813e358a2_story.html.

⁶⁸ Jean Galbraith, *Contemporary Practice of the United States*, 114 AJIL 137 (2020); see also Bob Davis & Yuka Hayashi, *New Trade Representative Says U.S. Isn’t Ready to Lift China Tariffs*, WALL ST. J. (Mar. 28, 2021), at <https://www.wsj.com/articles/new-trade-representative-says-u-s-isnt-ready-to-lift-china-tariffs-11616929200>.

⁶⁹ White House Press Release, Remarks by President Biden, Prime Minister Modi of India, Prime Minister Morrison of Australia, and Prime Minister Suga of Japan in the Virtual Quad Leaders Summit (Mar. 12, 2021), at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/03/12/remarks-by-president-biden-prime-minister-modi-of-india-prime-minister-morrison-of-australia-and-prime-minister-suga-of-japan-in-virtual-meeting-of-the-quad> [<https://perma.cc/NTP2-TYKN>].

⁷⁰ White House Press Release, Quad Leaders’ Joint Statement: “The Spirit of the Quad” (Mar. 12, 2021), at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/12/quad-leaders-joint-statement-the-spirit-of-the-quad> [<https://perma.cc/557D-TSWT>].

⁷¹ White House Press Release, Press Briefing by Press Secretary Jen Psaki and National Security Advisor Jake Sullivan (Mar. 12, 2021), at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/03/12/press-briefing-by-press-secretary-jen-psaki-march-12-2021> [<https://perma.cc/Q8FW-C69E>].

⁷² See Interim National Security Strategic Guidance, *supra* note 2.

⁷³ Eva Dou, *China and Russia to Open Moon Base, Expanding Space Cooperation*, WASH. POST (Mar. 10, 2021), at https://www.washingtonpost.com/world/asia_pacific/china-russia-moon-base-space/2021/03/10/aa629748-8186-11eb-be22-32d331d87530_story.html.

⁷⁴ Henry Olsen, *Opinion: China and Russia’s Proposed Lunar Research Station Is an Ominous Sign for the West*, WASH. POST (Mar. 12, 2021), at <https://www.washingtonpost.com/opinions/2021/03/12/china-russias-proposed-lunar-research-station-is-an-ominous-sign-west>.

⁷⁵ Sune Engel Rasmussen & Aresu Eqbali, *Iran, China Sign Economic, Security Agreement, Challenging U.S. Pressure*, WALL ST. J. (Mar. 27, 2021), at <https://www.wsj.com/articles/iran-china-sign-economic-security-agreement-challenging-u-s-pressure-11616866936>.

in other countries' domestic affairs, and stop forming small circles to seek bloc confrontation."⁷⁶

Biden Administration Launches Reset in Relations with Saudi Arabia, Withdraws Support for Saudi-Led War in Yemen

doi:10.1017/ajil.2021.29

The Biden administration has undertaken to reset U.S. relations with Saudi Arabia, making early moves to break with the Trump administration's policy toward the country on several key fronts. White House officials have shifted the locus of diplomatic contact between the two countries from Saudi Crown Prince Mohammed bin Salman, who enjoyed a close relationship with the Trump administration, to his father, King Salman. U.S. officials publicly released an intelligence report accusing Prince Mohammed of ordering the 2018 killing of Saudi dissident and *Washington Post* columnist Jamal Khashoggi and levied travel sanctions against seventy-six Saudi nationals in the crown prince's orbit. President Biden has also taken steps to end U.S. support for the Saudi-led coalition fighting in Yemen's civil war, revoking the terrorist designation assigned to the Houthis rebels in the final days of the Trump administration and initiating a review of U.S. arms sales.

The shift away from diplomatic engagement with Prince Mohammed represents a change from the close relationship he enjoyed with Trump administration officials, including President Trump's son-in-law and senior adviser, Jared Kushner.¹ Kushner and the crown prince built a close relationship that at times tested both U.S. diplomatic protocols and Saudi palace hierarchies,² as they worked together on a shared vision to reshape the geopolitical landscape of the Middle East.³ The relationship was tested in October 2018, with the killing of prominent regime critic and *Washington Post* columnist Jamal Khashoggi at the Saudi consulate in Istanbul.⁴ Media reports revealed that the Central Intelligence Agency (CIA) prepared a report in the weeks after the attack that assessed with "high confidence" that Prince Mohammed ordered the killing, citing intercepts of communications between

⁷⁶ Consulate General of the People's Republic of China in New York Press Release, Wang Yi Meets with Russian Foreign Minister Sergey Lavrov (Mar. 26, 2021), at <https://www.fmprc.gov.cn/ce/cgny/eng/xw/t1864347.htm>.

¹ See David D. Kirkpatrick, Ben Hubbard, Mark Landler & Mark Mazzetti, *The Wooing of Jared Kushner: How the Saudis Got a Friend in the White House*, N.Y. TIMES (Dec. 8, 2018), at <https://www.nytimes.com/2018/12/08/world/middleeast/saudi-mbs-jared-kushner.html> [<https://perma.cc/L5JY-J2YU>] (describing the close relationship between Kushner and Prince Mohammed).

² See *id.*

³ See Dexter Filkins, *A Saudi Prince's Quest to Remake the Middle East*, NEW YORKER (Apr. 9, 2018), at <https://www.newyorker.com/magazine/2018/04/09/a-saudi-princes-quest-to-remake-the-middle-east> [<https://perma.cc/ZF3U-GQFZ>].

⁴ For an account of the Trump administration's initial response to Khashoggi's killing, see Jean Galbraith, *Contemporary Practice of the United States*, 113 AJIL 131, 166–69 (2019).