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The Rise of Economic Coercion

INSTRUMENTS, ILLEGALITY, AND UN CHARTER REMEDIES

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Abstract

The growing recourse to economic coercion in contemporary international relations has raised fundamental questions about its implications for international peace and the legal limits imposed by the UN Charter framework. Based on the relevant international relations literature and doctrinal legal analysis, this article examines the contemporary rise of economic coercion, the instruments through which it operates, and the extent to which such practices may be considered unlawful under the UN Charter, as well as the legal and institutional mechanisms available within the UN system to deter and respond to them. The findings suggest that the contemporary rise of economic coercion is driven by strategic competition within conditions of deep economic interdependence, where states increasingly weaponize trade, finance, technology, and investment networks to gain geopolitical leverage. While not universally recognized as “force” under Article 2(4), many forms of economic coercion violate the principle of non-intervention under Article 2(7) and may constitute internationally wrongful acts. Meanwhile, the UN system—through countermea-

tures, self-defense doctrines, Security Council action, and regional arrangements—provides existing but underutilized legal and institutional tools to regulate and deter such practices.

Keywords

economic coercion; economic sanctions; international law; non-intervention; United Nations

Introduction

Since its creation during the San Francisco Conference in 1945, the main objective of the UN (1945), according to the preamble of its constitutive treaty, has been to promote international peace and security by saving “succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind”. Following the antecedent of the Briand-Kellogg Pact, article 2-4 of UN Charter establishes a general prohibition to use force in the relations between states. Pursuant to article 1-1 of the charter, the organization’s function in the maintenance of international security is aimed at preventing and alleviating threats to peace, breaches of peace and acts of aggression, and, by virtue of article 24 of the charter, its main political organ- the Security Council- holds the primary responsibility in the fulfillment of this function. The UN Charter does not contain a definition of “threats to peace”, “breaches of peace” or “acts of aggression”. Yet, in the practice of the organization and the resolutions of the General Assembly and the Security Council, these terms have mainly been used to refer to situations involving the use of armed force between states. Therefore, the UN’s role in the maintenance of international peace and security has traditionally been understood as primarily concerned with preventing and responding to situations involving the use of armed force between states.

However, the maintenance of international peace and security does not rely only on the absence of military conflicts. The word security etymologically derives from the Latin *sine cura* (without care, without concern) and implies that individuals should be able to act

without fear and worry, minimizing harm, deprivation, suffering, and anguish. For international relations scholars, international security entails alleviating threats to shared values of the members of the international community. For international law scholars, international security implies responding to threats to the interests and territorial integrity of states (Williams, 2009, p.6). This vision of international security traditionally involves a state-centered perspective which identifies it with national security. In a broad understanding, the concept of national security deals with resilience against any threat to the autonomy, internal stability or territory of the nation-state, encompassing both military and non-military threats (Retter, 2020). According to a 2005 report of the UN High Level Panel on Threats, Challenges and Change (UN, 2005), the threats to international peace and security in the twenty-first century include not just international war and conflict, but civil violence, organized crime, terrorism and weapons of mass destruction. They are also related to poverty, deadly infectious diseases, and environmental degradation, since these can have equally catastrophic consequences (Simma, 2024).

In a globally interconnected and interdependent world order, the economy is intimately connected with both national and international security (US Department of Commerce, 2018), because powerful countries no longer abide by the primacy of economics and use economic coercion as a geopolitical arm (Edler, 2023). From a general perspective, economic coercion can be defined as the use of economic means to force a country or entity to act against its will or change its policies. It involves leveraging economic power to compel a target to concede to demands, often through economic threats or the imposition of “economic pain”. In other words, economic coercion relies on the use of economic measures as an instrument for forcing another nation to adjust its national or foreign policy or for obtaining economic advantages over or concessions from the victim State (Katz Kogan, 2024). According to article 2 of the 2023 EU Regulation on the Protection of the Union and its Member States from Economic Coercion by Third Countries, economic coercion exists when a state: “interferes

in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State (...)" (European Union Regulation 2023/2675). According to a 1953 Soviet draft definition of an "act of economic aggression": "State shall be declared to have committed an act of economic aggression which first commits one of the following acts: (a) Takes against another State measures of economic pressure violating its sovereignty and economic independence and threatening the bases of its economic life; (b) Takes against another State measures preventing it from exploiting or nationalizing its own natural richness; (c) Subjects another State to an economic blockade" (U.N. Doc. A/AC.66/L.2/Rev.1, 1953).

This article asks what explains the contemporary rise of economic coercion and through which instruments it operates, whether and to what extent such practices can be regarded as unlawful under the UN Charter, and what legal bases and institutional mechanisms the UN system provides to deter and respond to them. Based on the relevant international relations literature, the first part of the article will explain the reasons behind the increasing use of economic force in international relations and will analyze the new goal and the tools of economic violence that negatively impact international peace and security. The remainder of the article is devoted to our doctrinal legal analysis (Egan, 2018), grounded in the close examination of authoritative legal texts and relevant scholarly commentary to interpret the meaning of legal provisions and resolve ambiguities and inconsistencies in doctrine and jurisprudence, by applying structured deductive, analogical, and teleological reasoning to synthesize coherent legal principles. Against this backdrop, the second part of the article will (re)assess the illegality of the use of economic coercion under articles 2-4 and 2-7 of the UN Charter. Finally, the third part will study the actions that the UN can take to prevent the use of economic coercion and to restore international peace and security through the adoption of measures of individual or collective self-defense.

The Increasing Use of Economic Coercion and Its Impact on International Peace and Security

The increasing use of economic coercion in inter-state relations is a response to a completely new characteristic of the global economic order: strategic competition in midst of economic interdependence (Sullivan, 2023, p. 8). After the end of the Cold War, international law had promoted openness for trade and investment flows to foster economic interdependence between states (Ikenberry, 2020, pp. 17-18), which was considered essential to achieve development (Miller, 2021, p. 1351). In the Kantian vision of international law, economic interdependence was a tool for (perpetual) international peace and security (Russett, 2001), because of the low costs of trade and investment as means for the appropriation of productive resources, considering the high costs of using military force (Miller, 2021, p. 1335). However, after the global economic and financial crisis, also known as the “Great Recession” in 2008, global inequality rose and it became clear that the economic interdependence advanced by international law reduced poverty, eliminated hunger and fostered prosperity for the few, but not for the lot (La Vía Campesina, 2021). Global inequality generated strong social conflicts and transformed drastically the domestic and international political map of the world. Economic interdependence began to be challenged by populist and nationalist movements in many countries across the globe (e.g. Italy, US, Brazil, Mexico, India, Hungary, Bulgaria, Türkiye, Zimbabwe, South Africa, etc.), whose agendas are aimed at ensuring congruence between the state and its people, ideally by breaking its ties to “external control” (Paul, 2021, p. 1328). In international politics, states are now engaged in a new and intense geopolitical struggle between a declining hegemonic power- the US- and new competing power poles. The military and non-military conflicts involving the US, China and other states such as Russia, India, Brazil or South-Africa (founding members of the BRICS group) are (re)-establishing geopolitical confrontational lines between (trustful) “allies” and “enemies”, or at least “strategic competitors”.

Strategic competition is a complex dynamic which can involve contending with adversaries across economic, technological, military or ideological fields without using armed force (US Department of State, 2024). Historically, the concept of strategic competition emerged amidst the *détente* era of the 1970s and was used to refer to the competition between the US and the USSR (Winkler, 2023, p. 333). Nowadays, it is employed to name the competition between the US and China, mainly in the economic sphere. The strategic competition between these two great powers is putting “competitive pressure” (Banasik, 2024, p. 29) on all the other states, forcing them to deploy competitive strategies to protect their essential interests (Leonard, 2019).

To be able to strategically compete within a deeply interdependent and interconnected global economy, states are using economic coercion to reach geopolitical attacks against strategic rivals. In the same logic, states are having recourse to economic force to protect themselves against other contenders’ adversarial economic actions and to reinforce their own economic capacity. In other words, states are increasingly deploying economic attacks against geopolitical rivals and are using economic violence to respond to risks of economic attacks from strategic competitors. The use of economic coercion, therefore, serves to protect states’ essential economic interests and to impose these interests on other states. This new dimension of economic coercion arises from the knowledge that in the context of extreme economic interdependence, states’ domestic economies have become too reliant upon the geopolitical actions of potential adversaries, with this excessive reliance posing a threat to national security.

In fact, in the context of strategic competition, economic interdependence is no longer a tool for (perpetual) peace, but rather an instrument for war (Schindler 2024, p. 10), as states can geopolitically leverage this interdependence, i.e. they can use economic interdependence as a geopolitical weapon to coerce strategic rivals. States have grown increasingly aware of the risks of trade, financial and supply chains dependencies arising from economic interdependence, as these dependencies provide states with power over each

other, that can be geopolitically exploited. (World Economic Forum, 2016). In consequence, the main reason for the increasing use of economic coercion in the current global conjuncture arises from the “weaponization of economic interdependence”, or its use as a tool for economic attacks or even economic wars against strategic competitors.

Excessive reliance on economic interdependence in the midst of strategic competition and geopolitical rivalry can be concealed as a “vulnerability”, especially if states are not equally or symmetrically interdependent. In fact, states can be interdependent economically, but they do not depend on each other equally, as the “core” states, or the states in a “dominant position” from an anti-trust law perspective, can constrain the less powerful (or “peripheral”) economic partners (Waltz, 2010) by inflicting (or threatening to inflict) some level of “economic pain” on them. In Thucydides’ words, in a situation of asymmetrical economic interdependence, “the strong do what they can and the weak suffer what they must (Thucydides, 1999).” From this perspective, in a scenario of asymmetrical economic interdependence, economic interdependence can be used as a weapon of economic coercion. In this context, the “weaponization of economic interdependence” can be defined as a “condition under which an actor can exploit its position in an embedded network to gain a bargaining advantage over others in a contained system” (Columbia University School of International and Public Affairs Capstone Report, 2020). In a “weaponized economic interdependence” situation, states with political authority over central economic nodes “can weaponize networks to gather information or choke off economic and information flows, discover and exploit vulnerabilities, compel policy change, and deter unwanted actions” (Farrell, 2019, p. 42).

In the current context of strategic competition, powerful countries have not hesitated to leverage their economic dominance for geopolitical gain though the deployment of economically coercive measures. Many countries around the world have been put under economic attacks in a worldwide effort to weaponize states’ economic power. This weaponization has been achieved through

new forms of economic coercion that represent a major challenge to international peace and security and to a ruled-based global order.

Economic coercion can imply the use of multiple tools (Gürcan, 2024). It can take the form of compulsive measures or economic sanctions such as boycotts, embargoes, or attempts by rival nations to freeze the victim-state's assets or dry up its markets on a global scale. States can also employ their foreign aid program coercively by offering aid as a reward for another country's pursuit of desirable policies and by withholding aid as a punitive measure to discourage the adoption of foreign policy action (Bucheit, 1974). Economic coercion can imply the use of even more sophisticated means such as extraterritorial sanctions, import or export controls or sensitive data transfers (Hackenbroich, 2020).

Frequently, economic violence relies on the implementation of trade or investment related tools (Regulation (EU) 2023/2675). In this context, “trade weaponization” can be defined as “the employment of trade tools to induce a trade partner to change its practices in any issue-area (including economic policy and diplomatic relations) by exploiting its economic vulnerabilities (Columbia University School of International and Public Affairs Capstone Report, 2020).” In other words, “trade weaponization” consists in the use of trade tools by a state that possess “centric” economic power to force (or extort) a “peripheral” state to obey the political will of the first. In a 2023, Joint Declaration Against Trade-Related Economic Coercion and Non-Market Policies and Practices, adopted by the Governments of Australia, Canada, Japan, New Zealand, the United Kingdom and the US, trade-related economic coercion was defined as a strategy which “uses, or uses the threat of, measures affecting trade (...) in an abusive, arbitrary, or pretextual manner to pressure, induce or influence a foreign government into taking, or not taking, a decision or action in order to achieve a strategic political or policy objective, or prevent or interfere with the foreign government’s exercise of its legitimate sovereign rights or choices” (USTR, 2023). The Joint Declaration was adopted after the G7 meeting in 2023 during which the member states of the group expressed strong concerns about being victims of the “weaponized

trade” practices of China. China, on its part, has argued that the response of the G7 member states to this practice has also implied the use of “trade weaponization” methods (Nguyen, 2023).

“Weaponized trade” practices were developed in the US-Japan relations in 1940, during the “chicken wars” between the US and the EEC in the 1960s or in the US-OPEC countries relations during the Oil Crisis in the 1970s (Columbia University School of International and Public Affairs Capstone Report, 2020). There have been other recent examples of trade-related economic coercion in the relations between Russia and the EU after the beginning of the War in Ukraine, (Ruggi, 2023), China and Taiwan (Chaisse, 2024), Iran and the US (Ruggi, 2023), the US and China (Hopewell, 2022), and more generally the US and the rest of the world. For example, the asymmetrical economic interdependence developed in the North American Free Trade Area created “a perfect storm” conditions for “weaponized interdependence”, which permitted to US President Donald J. Trump to use trade-related economic coercion against Mexico during his first administration from 2017 to 2021 and after his second arrival at the White House in 2025. The main strategy of the US “weaponizer” has been to use the imposition of tariffs and/or the threat of imposition of tariffs to interfere with Mexico’s sovereign right to choose its domestic policies in two areas: migration and drug traffic control.

The use of export or import controls as a new form of trade-related economic coercion is currently being deployed by many states to limit strategic adversaries’ access to critical technologies. It is mainly used as a form of defensive strategy against the threat of economic coercion from rival states. For example, the US has begun to impose targeted import restrictions based on national security concerns that have prohibited the use of equipment from Chinese state-owned telecom megacompanies Huawei and ZTE in US telecommunications networks. In addition, the US Government announced measures that enable the Commerce Department to limit the import or use in its territory of a range of information and communications technology products and services. These measures served to limit the distribution of Chinese-owned apps TikTok and

WeChat (CNAS, 2023). The export control measures against these Chinese companies had real impacts on the firms' ability to obtain critical technology and to compete in the US market and at the global level.

Another tool for the adoption of defensive coercive measures against rival economic powers in the investment field are the new forms of investment screening mechanisms. For example, in 2018, the US Congress enacted a substantial expansion of the jurisdiction of the Committee on Foreign Investment in the US (CFIUS), giving it greater powers to review outbound investments and expanding the scope of the type of investments subject to review. CFIUS has not only become more assertive in reviewing prospective investments, but it has also vastly expanded its work to review already-completed investments that had not previously come before the committee, requiring divestment or other mitigation measures in several public cases. In addition, in January 2025, the US Government adopted new Provisions Pertaining to U.S. Investments in Certain National Security Technologies and Products in Countries of Concern, a rule which established a program to “prohibit or require notification of certain types of outbound investments by US persons into certain entities located in or subject to the jurisdiction of a country of concern, and certain other entities owned by persons of a country of concern, involved in specific categories of advanced technologies and products. The Outbound Order identifies three categories of national security technologies and products for the program: semi-conductors and microelectronics, quantum information technologies, and artificial intelligence. In an Annex to the Outbound Order, the President identified the People's Republic of China, along with the Special Administrative Regions of Hong Kong and Macau, as a country of concern” (US Department of Treasury, 2025). President Trump's “America First Investment Policy” also focuses on the promotion of foreign investment from trustful allies and partners, while seeking to address threats posed by investment from strategic adversaries. In the EU, 24 member states now have national foreign direct investment screening mechanisms and in 2025 the EU Commission called on member states to review past, ongoing and

new outbound investments in semiconductors, AI and quantum technologies (EU Commission, 2025).

The use of sanctions against Russia, Iran, and Venezuela is also very emblematic of the new tools of economic coercion that states are using in the current global conjuncture. Sanctions against Iran began after the 1979 revolution and have intensified over time, particularly with the US “maximum pressure” campaign initiated in 2018 (Sadeqi Mohammadi, 2025). Sanctions target various sectors of the Iranian economy, including energy, finance, shipping, and key individuals and entities (Dowlah, 2025, p. 126). The primary goal of sanctions is to coerce Iran to refrain from developing nuclear weapons, curb its support for terrorism, and limit its regional influence in the Middle East. Economic sanctions applied against Russia, mainly by the EU, but also the UK, the US, Canada and Australia are a form of economic coercion used by these nations to influence Russia's actions, particularly in response to its invasion of Ukraine (Morad, 2024). These sanctions involve various measures like trade restrictions, financial freezes, and travel bans. Their declared aim is to weaken Russia's economic capacity to sustain its military operations in Ukraine and to contain its regional and global influence (US Congress, 2025a). The US has also imposed individual, financial, and sectoral sanctions on the Venezuelan government, as well as sanctions on the Maduro government and its supporters. The US Congress enacted an entire law- the Venezuela Defense of Human Rights and Civil Society Act of 2014- to impose sanctions on people responsible for acts of violence, serious human rights abuses, or antidemocratic actions in Venezuela. These sanctions were extended through 2023, and their stated aim is to hasten “a return to democracy in Venezuela”, i.e. to change the “nondemocratic government in Venezuela” (US Congress, 2025b).

Recent uses of these new tools of economic coercion have demonstrated their potential to inflict “economic pain” on rival states, even if they have not conducted to the full achievement of their geopolitical goal. Denying economic resources to an adversary or strategic competitor can weaken its economic power, even if the coercion fails to persuade it to change its behavior (CNAS, 2023).

The increasing recourse to these tools has led to economic conflicts between states due to divergent interests, geopolitical goals and policies related to economic matters. The growing number of economic confrontations are hindering global cooperation on economic issues and are creating major risks for the maintenance of international peace and security. Strengthening the role of the UN can provide a platform for resolving the conflicts originating in the use of economic coercion between states. The UN intervention in cases of economic coercion can be based on the UN Charter, as the use of this type of force can be seen as a violation of some of its core provisions.

The Illegality of Economic Coercion Under the UN Charter

The Use of Economic Force as a Breach of Article 2-4 of the UN Charter

Economic coercion might be considered as a violation of the prohibition to use force in international relations, established in article 2-4 of the UN Charter. According to article 2-4: “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.” It is generally accepted that the term “force” is used in the UN Charter only to prohibit “military force” (Pobjie, 2024, p. 106). However, for some states, a broad interpretation of “force” covering “economic coercion” must be included in the terms of article 2-4. During the San Francisco Conference, the delegation of Brazil proposed to include the threat or use of economic measures under article 2-4 (Batinga, 2024). According to the proposal, this provision was to cover “the threat or use of economic measures in any manner inconsistent” with the United Nations' purposes Doc. 215, I/1/10, 6 U.N.C.I.O. Docs. 527, 559 (1945). The amendment was rejected by a vote of 26 to 2, but the reasons for its disapproval are not clear. The rejection of the Brazilian

amendment may have reflected either opposition to the prohibition of use of economic force by article 2-4 or simply the belief of some of the delegates that the Charter already embodied this prohibition (Bucheit, 1974).

In 1965, at the twentieth session of the General Assembly, the Special Committee on Principles of International Law Concerning Friendly Relations and Cooperation Among States submitted a report which contained an extensive but inconclusive discussion of the merits of reading into article 2-4 as a prohibition of the use of economic force, at least when it constitutes a threat to the territorial integrity or political independence of the target state. The committee debate focused on four proposals. Two of these proposals, those submitted by Czechoslovakia and Yugoslavia, explicitly stated that the principle of article 2-4's prohibition of force includes both economic and political pressure. A joint proposal submitted by Ghana, India and Yugoslavia contained the same suggestion, at least by implication. The United Kingdom, on the other hand, sought to limit the meaning of force to armed force and specifically abjured the inclusion of lesser forms of coercion (Bucheit, 1974). After the decolonization process, the Non-Aligned Movement supported discussions on the "economic, political and other forms of pressure or coercion" during the 1967 session of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (U.N. Doc. A/5746).

The third report of the Special Committee summarized the main arguments in favor of a broad interpretation of the term "force" including economic coercion as follows: "(f) economic and political forms of pressure were sometimes as dangerous as armed force, particularly for developing countries, new States and peoples under colonial domination, and could accomplish the same illicit results; they constituted a violation of international law and a threat to the maintenance of international peace and co-operation; (g) the existence of international relations based on the free consent of independent sovereign States necessarily implied prohibition both of armed force and of other forms of pressure and coercion; (h) the authors of the Charter, in drafting Article 2, paragraph 4, had used

the generic term ‘force’ without any qualification, and consequently a broad interpretation of that term was perfectly compatible with the text of that provision; (i) there was nothing in the *travaux préparatoires* of the San Francisco Conference to preclude a broad interpretation of ‘force’ in Article 2, paragraph 4, of the Charter; (j) the very fact that the San Francisco Conference had rejected a Brazilian amendment that a reference to economic forms of pressure be added was proof that such a reference was not considered necessary in view of the broad meaning of the term ‘force’ in Article 2, paragraph 4, of the Charter... (UN Doc A/6799).”

Perhaps the strongest argument for the inclusion of a prohibition to use economic coercion in the relations between states under article 2-4 is to be found in the wording of the provision itself. As shown by the “*travaux préparatoires*” of the charter, its drafters were fully aware that states use many methods to coerce one another, which not necessarily imply the use of armed force. The fact that they did not use any objective to describe the word “force” clearly indicates that they did not have the intention to limit its scope, but rather to leave it open-ended and adaptable to the evolution of international relations and the future diversification or sophistication of states’ coercive arsenal. The drafters of the UN Charter were aware of the difficulties surrounding any possible amendment of the provision of the agreement and were not ignorant of the vagueness inherent to the word “force” in article 2-4, especially because in other provisions of the Charter, such as its preamble and its article 41, they used the term “armed force” to show that what they meant by force for reason of the application of these provisions was “armed force”. In fact, the preamble states that “armed force shall not be used, save in the common interest,” and, according to article 41: “The Security Council may decide what measures not involving the use of armed force are to be employed (...) These may include complete or partial interruption of economic relations (UN Doc A/6799).” This clear distinction of economic pressure from armed force can be interpreted as showing that when the drafters of the Charter wished to refer to both coercive methods, they mentioned both.

Not only the wording of article 2-4, but also its teleological interpretation according to the expressed purposes and principles of the UN Charter, supports the establishment of a general prohibition to use economic force in the relations between states. According to the Charter, the UN member states intend “to practice tolerance and live in peace with one another as good neighbors.” By virtue of Article 1-1, the organization’s main objective is “to take effective collective measures for the prevention and removal of threats to the peace, (...) and to bring about by peaceful means... adjustment or settlement of international disputes or situations which might lead to a breach of the peace (...).” In addition, according to article 1-2, the organization’s aim is to develop “friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples (...) (UN Doc A/6799).” Only a more comprehensive reading of article 2-4 could permit the organization to fulfill those purposes. Why would the drafters, after eloquently expressing their desire to promote international peace and security, limit this goal to only one type of threat to this peace- armed force?

The delegates drafting this instrument were undoubtedly aware that armed conflict was frequently preceded by nonmilitary, economic confrontations (Bucheit, 1974), as the topic of economic coercion was a very debated issue during the foundation of the UN legal framework in 1945. In fact, the use of economic coercion in the relations between states was a topic included in the draft of other important treaties of the post-World War II liberal world order. In 1949, the International Law Commission (ILC) began work on a draft treaty to codify the rules of the law of treaties in the new order- the Vienna Convention on the Law of Treaties (VCLT). One of the most contentious issues of its negotiation concerned the definition of “coercion”, as a cause for the invalidity of a treaty. Article 52 of the VCLT permits the invalidation of a treaty “if its conclusion has been procured by the threat or use of force (United Nations, 1969).” Delegations from newly independent states argued for a broader definition of coercion to encompass forms of economic pressure used to impose unequal treaties, such as those concluded during the colonial-era or in the immediate aftermath of

the decolonization process. In the opinion of the ex-colonies, if international law preserved the right to impose such treaties, it would serve to preserve the economic domination of former colonies and establish a system of neocolonialism. For example, the delegation from the Philippines argued that the failure to regulate economic coercion would produce a system of international law in which “there would be no protection against measures such as economic strangulation, to which, many countries, and especially the developing countries, are particularly vulnerable (Bali, 2024).” Western states delegations rejected the inclusion of economic coercion in article 52 of the VCLT, arguing that the concept of “unequal treaties” was vague and would undermine the stability of treaty relations. These states claimed that “strangling the economy of a country” could not amount to the type of coercion prohibited by the UN Charter. In the end, after closed-door negotiations, the new independent states reached a compromise with the delegations of developed countries: to withdraw the proposal of amendment to article 52 of the VCLT in exchange for the adoption of a non-binding draft declaration condemning the use of economic pressures (Bali, 2024). The declaration was adopted as part of the Final Act of the Conference and it condemned coercion in any form, military, economic or political. According to the Declaration: “The United Nations Conference on the Law of Treaties (...) solemnly condemns the threat or use of pressure in any form, whether military, political or economic, by any State in order to coerce another State to perform any act relating to the conclusion of a treaty in violation of the principles of sovereign equality of the States and freedom of consent (...) (United Nations General Assembly, (1969).” These arguments must be reassessed to reinforce the UN’s function in the deterrence of the growing use of economic violence in the relations between states.

Economic Coercion as a Violation of Article 2-7 of the UN Charter

Economic coercion might also be considered contrary to article 2-7 of the UN Charter. This provision incorporates the general principle of non-intervention in domestic affairs in the following terms: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII (United Nations, 1945).” The principle of non-intervention is a general principle of international law and one of the so-called “five principles of the peaceful coexistence of states”. It was first recognized in a treaty between China and India and later included in resolutions of the UN General Assembly. Even if the exact meaning of the principle is uncertain, especially regarding what can constitute an undue “intervention”, the prohibited acts include economic coercion.

According to Resolution 2131 of the UN General Assembly, also called “Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and Protection of their Independence and Sovereignty”, adopted in 1965: “1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned. 2. No 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 or to secure from it advantages of any kind. (...) (United Nations General Assembly, 1965).” The principle was further developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the UN, the UN General Assembly Resolution 31/91 on

“Non-interference in the Domestic affairs of States”, the UN General Assembly Resolution 36/103 “Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States”, and in the Act of Helsinki. The principle is also recognized in article 19 of the OAS Charter. According to this provision: “No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force, but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements (United Nations General Assembly, 1965).”

As shown above, in many recent cases of use of economic coercion, its aim is clearly to constrain the target state’s “freedom of choice” regarding the implementation of domestic and/or international policies in many fields, ranging from nuclear programs, migration, drug traffic controls or democratic elections. The use of economically coercive measures to force the victim state in order to obtain from it the subordination of the exercise of its sovereign rights to develop domestic and/or foreign policies objectives that best suit its own national interests (and not the geopolitical goals of another state), constitute an undue interference in domestic affairs. The principle of non-intervention is binding for all UN member states according to article 2-7 of the UN Charter and as a customary principle of international law. In addition, the said principle is mandatory for the members of the OAS Charter. Therefore, the use of economic coercion is a violation of states’ customary and conventional obligations under general international law and constitutes an internationally wrongful act which can trigger their international responsibility towards the target state.

Even if there is no consensus on the fact that the use of economic coercion in the relations between states constitutes a violation of article 2-4 of the UN Charter, the acts of economic violence are a clear breach of article 2-7 of the UN Charter (and article 19 of the OAS Charter). The state victims of economic coercion can initiate proceedings before the ICJ, ask the Court to determine the international responsibility of the state using this type of force and

seek reparation for the international wrongdoing. In addition to the cessation of economic coercion, the victim state can request economic compensation for the injury suffered, in accordance with Article 31 and Articles 34 to 39 of the ILC's Draft Articles of the Responsibility of States for Internationally Wrongful Acts (ARSI-WA). In the event of the victim state obtaining monetary compensation for the injury, it can consider transferring that compensation to the companies that have suffered loss because of the economic coercion.

The violation of the principle of non-intervention in domestic affairs by the use of economic violence can be determined according not only to international law but also pursuant to the domestic law of some developing states that have recently been victims of economic coercion. For example, in March 2025, the President of Mexico, Claudia Sheinbaum, send to the Congress of the Union an initiative to reform articles 40 and 19 of the Mexican Constitution with the objective to expressly prohibit any attempt of foreign intervention in Mexican domestic affairs. The initiative added two paragraphs to constitutional article 40 to make it clear that Mexico will not accept any foreign intervention. This initiative is a direct response to the growing use, by the US, of trade-related economic coercion against Mexico that is harmful to the independent and sovereign right of the country to decide its own domestic policies (Gobierno de México, 2025).

Actions to Address the Use of Economic Force Between States Under the UN System

Individual Self-Defense Against Economic Attacks

The proscription of the use of economic force in articles 2-4 and 2-7 of the UN Charter must lean on concrete actions for limiting and deterring recourse to this kind of coercion in international relations. These actions might be legally based on the right of states victims of economic coercion to exercise individual self-defense pursuant to article 51 of the charter. According to this provision: "Nothing in

the present Charter shall impair the inherent right of individual or collective self-defence, if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security (United Nations, 1945).”

Article 51 establishes that states’ inherent right to self-defense is limited to situations in which an armed attack has previously occurred. However, reading article 2-4 to include economic coercion could enable a state victim of an illegal use of economic force to exercise a legitimate right of nonmilitary economic self-defense. By circumscribing the right to resort to military force as a response to a violation of article 2-4 of the UN Charter, the drafters of article 51 sought to narrow the right of armed self-defense to situations involving prior acts of armed aggression. They prohibited the use of military response to nonmilitary aggression but did not necessarily condone other forms of proportionate retaliation or legal sanctions against the use of nonmilitary economic force. States victim of economic coercion may, not inconsistently with the letter or the spirit of the UN Charter, respond to economic coercion with nonmilitary economic measures (Bucheit, 1974). However, some authors have even suggested that, in extreme cases, nothing in the Charter prohibits the unilateral use of military force which is necessary and proportionate, if designed to respond to intense and illegal economic coercion. In this view, Article 51 is a declaratory affirmation of the inherent right of self-defense against coercion of an armed nature, not a renunciation of this right against other forms of coercion violative of the Charter (Zedalis, 1982, p. 495).

In addition, the individual right to self-defense has a customary character and is intimately related to the customary right to impose nonmilitary countermeasures on a state who commits an internationally wrongful act. Customary international law, as crystallized in

Article 22 and Articles 49 to 53 of the ARSIWA, allow states, under certain conditions such as proportionality and prior notice, to legally impose nonmilitary economic countermeasures. (Regulation (EU) 2023/2675) These measures, which would otherwise be contrary to international law, permit a state that has suffered prejudice due to the internationally wrongful act of another state to respond to this illegality and to take actions that seek its cessation. As shown above, the use of economic coercion constitutes a violation of article 2-4 and 2-7 of the UN Charter. Therefore, a state victim of economic violence can legally defend itself by adopting nonmilitary countermeasures. The imposition of countermeasures, as well as the right to legitimate individual self-defense under article 51 of the UN Charter, must be proportional to the economic attack. According to the famous Caroline case and under article 51 of the ARSIWA, “countermeasures must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question (United Nations, 1945).”

Accordingly, the deployment of economic countermeasures, as a form of legitimate self-defense based on article 51 of the UN Charter and article 49 of the ARISWA, supposes a prior appreciation of the gravity of the economic coercion and a qualification (and quantification) of the economic prejudice caused to the rights of the target state (and its private sector). When the economic coercion reaches a certain threshold, depending on the form, the effects and the aim of the economic measures, the victim state can respond with nonmilitary countermeasures proportionate to the attack.

The intention to counterattack by imposing costs on the economic aggressor, as a form of retaliation counterstrategy which implies striking the aggressor back, has been a common form of response to economic coercion. For example, during the 1860s, and to protect its essential economic interests, the US invoked the doctrine of self-defense to justify its boarding and searching of vessels, and its subsequent apprehension of their crew, that were allegedly engaged in illegal fishing operations in the Bering Sea. The US explained that “the right of self-defense on the part of a nation is a perfect and paramount right to which all others are subordi-

nate” and could be engaged to justify an interference with the principle of the freedom of the high seas (Buchan, 2023). As mentioned above, following the Ukraine conflict in February 2022, the West imposed severe sanctions on the Russian economy, with the intention to economically coerce Russia to end its war in Ukraine. Russia retaliated immediately by cutting exports of gas via the Nord Stream 1 pipeline (Ruggi, 2023). In the same sense, after the adoption of export controls and investment screening mechanisms by the US against Chinese companies, China counterattacked by restricting the access of US semiconductor firms to the Chinese market, as well as choking off US supplies of gallium and germanium, which are critical for semiconductor production and primarily mined in China (Ruggi, 2023). During the first escalation of the US trade-related economic coercion in 2018, Mexico did not show intentions to retaliate in response to the economic assault of the US. However, in a public statement on 4 March 2025, after the imposition of 25% tariffs to goods imported from Mexico, its president announced that, in the future, Mexico could adopt tariff and non-tariff measures, as a possible retaliation to the US economic coercion (Gobierno de México, 2025).

However, until now, the adoption of unilateral economic measures of self-defense have occurred outside any legal framework. The appreciation of their legality under article 51 of the UN Charter, especially regarding their necessity and proportionality to the economic attack, would help bring more legal certainty in the resolution of the economic conflicts originating from the use of economic coercion. Therefore, the UN should play a central role in regulating the use of economic force in individual self-defense. According to article 51, this right is not unlimited and must not be exercised in an arbitrary manner. The UN’s actions under the collective defense system can significantly impact its scope and legality.

Collective Self-Defense Against Economic Attacks

Due to the asymmetries in economic power and the development of an unequal exchange between developed and developing countries, developing member states of the UN, acting on their own, cannot efficiently counteract economic coercion by powerful countries, in a way to cause them the same level of “economic pain”. Individual self-defense or the adoption of unilateral nonmilitary countermeasures against the use of economic violence is a good option only for economically powerful countries, such as China and Russia in the preceding examples. Therefore, in some cases, economic coercion can only be deterred by the activation of the UN collective security system.

According to Article 39 of the UN Charter, the Security Council “may take measures to maintain international peace and security” against “a threat to the peace, breach of the peace, or act of aggression (United Nations, 1945).” As shown above, the use of economic coercion can pose such a threat to peace, breach of peace or act of aggression, and it can be regarded as a breach of the prohibition to use force in international relations under article 2-4 of the Charter. In consequence, the Security Council can take measures against the state that resorts to economic coercion.

The Council’s action should start by an examination of the facts, a determination of the existence of economic coercion, and efforts to find a friendly solution to the dispute between the economic aggressor and the victim state. According to article 33-2 of the UN Charter, the “Security Council shall, when it deems necessary, call upon the parties to settle their dispute” by peaceful means. The parties to any dispute arising of the use of economic coercion “shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice” (article 33-1 of the Charter). Clearly, article 33 is activated only by an international situation which rises to the level of a “dispute” and the use of illegal economic coercion by one state

against another satisfies that threshold requirement (Zedalis, 1982, p. 495).

If the activation of any or all the methods of peaceful settlement of disputes leads to the suspension of the economic coercion, the economic aggressor and the target state could be invited to conclude an international agreement on the terms of the cease of the acts of violence and the reparation of the prejudice of the victim. Only if all the available means of peaceful settlement of disputes fail and only where such means do not lead to the prompt and effective cessation of the economic coercion, and where action is necessary to protect the economic interests and rights of the UN Member states under international law, the Security Council could impose nonmilitary sanctions on the economic aggressor, such as “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations” (article 41 of the UN Charter) (United Nations, 1945). The imposition of collective countermeasures can be much more effective in deterring economic coercion from powerful countries than individual self-defense. If the international community unites its strength, international economic peace and security will be better achieved than by having recourse to unilateral countermeasures by the victim state.

Any nonmilitary sanctions imposed by the Security Council should be proportionate and not exceed the economic injury caused to the victim state. The criteria for selecting and designing the collective response measures should consider past experiences of the imposition of economic sanctions of the Council and their effectiveness in inducing the cessation of coercion. It should also ponder the need to avoid or minimize any negative collateral effects on the target state’s economic operators and its general population. After the adoption of the collective countermeasures, the UN Security Council should continually assess the situation of economic coercion, the effectiveness of the countermeasures and their effects on the interests of the victim state, to amend, suspend or terminate the measures, if necessary.

Regional collective defense systems might also play a new role in deterring economic coercion. Even if the UE has not established yet a collective defense system, as mentioned above, under its Common Foreign and Security Policy, it has adopted its own 2023 Regulation on the Protection of the Union and its Member States from Economic Coercion by Third Countries. The regulation defines economic coercion and settles the conditions for the adoption of collective nonmilitary countermeasures against the aggressor state. As stated above, article 19 of the OAS Charter can be used as a legal basis for the establishment of similar frameworks for the deterrence of economic coercion between the organization's member states. Other regional institutions that establish collective self-defense systems, such as the Organization of African Unity, can also bear from the EU's initiative and establish concrete frameworks on the protection of their member states against economic attacks. The collective self-defense system of NATO can also be used to deter economic coercion, as Article 5 of the North Atlantic Treaty states that NATO members commit to: "assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area". The phrase "including the use of armed force" clearly shows that collective self-defense under the NATO treaty can include nonmilitary economic countermeasures (Buchan, 2023). In this sense, some authors have proposed an economic Article 5 among democracies to counter authoritarian economic coercion. A democracy subjected to economic violence by an autocracy could invoke the economic Article 5 to deter economic attacks by the adoption of collective economic self-defense measures (Chicago Council of Global Affairs, 2022).

By virtue of article 52 of the UN Charter, the existence of regional arrangements for dealing with economic coercion, "are appropriate for regional action provided that such arrangements or agencies and their activities", will not be incompatible with the universal collective defense system against economic attacks, as far

“as they are consistent with the Purposes and Principles of the United Nations (United Nations, 1945).” Article 52 was intended to permit state members of the regional mutual defense organizations to take forceful measures of collective self-defense whenever the Security Council was paralyzed by the veto of one of the five permanent members. In fact, the use of economic coercion by one of the permanent members (and/or their allies) would paralyze the possibility of collective response to this aggression under the UN system, making preferable the activation of the regional mechanisms.

Conclusion

The increased use of novel tools of economic coercion in the relations between states poses serious risks for the maintenance of international peace and security. The current cases of geopolitical leverage of economic measures increase the probability that a nation victim of economic coercion will seek redress, with armed force, an impairment of its sovereignty achieved by economic means. It is this possibility of military retaliation, always at least theoretically possible, which justifies the improvement of UN’s legal arsenal to deter economic force. As shown above, if economic coercion is of sufficient intensity to pose a genuine threat to the sovereignty of the target state, it can be seen as a violation of articles 2-4 and 2-7 of the UN Charter. The destructive character of some aggressive economic policies that states are currently implementing, whatever their motivation is, justifies a (re)assessment of the UN’s standards of economic behavior and an improvement of the actions it can adopt to guarantee international economic peace and security.

Therefore, it is important to strengthen the UN’s possibility to respond to the new challenges of economic coercion. The organization should be able to provide the victims of economic coercion with new legal antidotes to this growing practice in the current global conflict conjuncture. The overall objective of the UN’s inter-

vention in cases of economic coercion should be to identify and deter the use of this type of force through institutionalized attempts to de-escalate the violence and encourage the economic aggressor to end its measures. If these intents to de-escalate the crisis fail, then the UN must develop a new understanding of legitimate individual or collective “self-defense” against economic coercion, where the available countermeasures are proportionate to the attack.

The UN is not endowed with general competences under international economic law. There are other international institutions such the WTO, the IMF, the WB or the OECD which can appear more functionally equipped to deter the use of economic coercion in the relations between states. However, there is no express prohibition to use economic measures as a tool of coercion under international economic law and its norms and principles are facing an existential crisis. If powerful states refuse to abide by the rules of international economic law, and openly violate them, the rules themselves risk becoming meaningless. International economic law is currently at a critical juncture, facing the danger of a descent into lawlessness, where the rules cease to have any meaning and are no longer able to constrain state behavior (Hopewell, 2022). In addition, many of the economic and financial organizations of the post-World War II global order are currently blocked. Over the past ten years, the WTO has been unable to fulfill the functions assigned to it by its founding treaty. The pursuit of a “single undertaking” as a strategy for negotiations, changes in the balance of economic and political power among the organization's members, and the growing proliferation of regional trade agreements are some of the causes of WTO's *impasse*, which is worsened by the blockage of its dispute settlement mechanism (Payosova, 2018, p. 3). The result is a whiter commitment to the WTO's multilateral system, a lesser international judicial control of interstate economic relations, a dispute resolution “*à la carte*” of the geopolitical interests of economically powerful states and the substitution of the rule of law by the exercise of coercive economic power.

In the lack of legal guidelines on the deterrence of economic

coercion from the economic and financial organizations of the world order, states can rely only on multilateral cooperation in other forums. As the OECD recently pointed out “international co-operation, including exchanges amongst economies to learn from past cases, will be key in deterring economic coercion and supporting targeted economies” (OECD, 2024). The UN stands at the heart of multilateralism, and forms the “backbone” of the contemporary multilateral system, serving as a platform for dialogue, cooperation, and collective action for addressing global issues such as the use of economic coercion (UN, 2025). The institution was in fact built in a period of the history of international relations characterized by the exercise of economic coercion. It is precisely in response to its negative effects that the members of the international community, with US leadership, decided to build a multilateral order after the Second World War (Irwin, 1993, p. 90). In fact, during the decade of 1930, many countries, including the US, developed preferential and coercive economic measures, which contributed to one of the most severe global contractions in the world economic history. The bourse crack of the “Black Thursday” and the devastation “debts” of the First World War (hyperinflation, huge foreign debts, and high cost of the reconstruction, political and social instability) precipitated the “Great Depression” in the US and its sparrow all over the world. In response, the US government adopted the famous Smoot-Hawley Tariff Act in 1930, which increased the duties and tariffs on imports to the US of more than 20,000 products. Many countries, like Canada, Spain, Italy and Switzerland adopted direct retaliations, imposing tariff, and non-tariff trade barriers to US exports (Bown, 2017, p. 154). These aggressive and coercive economic policies led to the creation of “economic areas”, like the “sterling trade zone”, the “dollar bloc”, the “gold bloc” and the “Nazi bloc”, whose main objective was to “poorish the neighbor” and whose direct result was the disintegration of international finance and trade (Comín, 2013).

The disaster of economic coercion as a tool for strategic competition and domination, like the one currently implemented by

powerful states in the new global order, strengthened the resolve of international lawmakers after the Second World War to construct a rules-based multilateral system with the UN at its center. It was in everyone's mind in this period that the Nazi Germany was not only a military aggressor but also an economic aggressor state. In fact, the Nazi Germany oriented its foreign trade policy toward a rigid system of bilateral trade and clearing agreements. This system turned successful for German domestic economic growth because of the exploitation and extortion of economically vulnerable states. Germany was the largest economic partner of many smaller European states and issued on this basis a theory on monopolistic power in international trade. The ultimate objective was to build an informal German Economic Empire (Ritschl, 2001, p. 324).

In this regard, by using constantly economic coercion in their relations, states are nowadays testing some of the hardest lessons of the world's legal and economic history. The buildings of multilateralism in international relations and the creation of the UN aimed, above all, to preserve cooperation between states and to maintain "peace through law". The increasing use of economic coercion is possibly bringing the world in the *déjà vu* of the post-World War I context of "economic wars", which preceded the military Second World War. It is a context divided into economic and geo-political blocks, controlled by powerful states with imperialistic ambitions to extend their spheres of influence, in a clear hostility one *vis-à-vis* the others (Ikenberry, 2017, p. 5).

The increasing use of economic coercion, thus, demonstrates that the international economic order is moving back to a system of co-existence of states, where states are acting as antagonistic entities that challenge any authority superior to themselves and which perceive their economic relations as a "zero sum game" (Abi-Saab, 1998, p. 248). One of the greatest thinkers of international law, Wolfgang Friedman, proposed to see the international law that regulated the Westphalian world order as a "law of coexistence", as opposed to the "law of cooperation", which was to govern the growing interdependence between states in the global order after

the end of the Second World War (Friedmann, 1964). Perhaps, the new forms of economic coercion that states are implementing in the current context of strategic competition in the midst of economic interdependence are moving international law from a “law of cooperation” to a “law of coexistence”. Thus, it is urgent to rethink UN’s legal remedies for economic coercion, because otherwise the economic violence between nations can be a prelude to the “scourge of war, which twice” in the world’s history “has brought untold sorrow to mankind” (United Nations, 1945).

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