

nations, and green coalition governments to stall by any means necessary.”⁵⁷ He argued that through deep sea mining “America can end critical mineral dependence [on China] . . . and create over 100,000 American jobs and generate hundreds of billions in GDP.”⁵⁸

If the United States grants TMC a commercial recovery permit, the ISA may feel compelled to move more expeditiously on the adoption of exploitation regulations and the granting of exploitation contracts, lest other countries decide to proceed unilaterally themselves for fear of being left behind.⁵⁹

INTERNATIONAL ECONOMIC LAW

President Trump Threatens “Secondary Tariffs” on Countries Importing Venezuela Oil
doi:10.1017/ajil.2025.10091

President Donald J. Trump has authorized the imposition of a twenty-five percent tariff “on all goods imported into the United States from any country that imports Venezuelan oil, whether directly from Venezuela or indirectly through third parties.”¹ The president’s order layers the possibility of “secondary tariffs”—a novel technique so called because the tariffs would be imposed not on Venezuela (the primary target) but on a country that trades with Venezuela—on top of the sanctions that he levied on that country’s oil sector, including the state-owned oil and natural gas company, *Petróleos de Venezuela, S.A. (PdVSA)*, six years earlier.² The secondary tariff threat, though couched generally, principally targets China, which is the largest importer of Venezuelan oil.³ Together with the administration’s concurrent revocation of licenses that had permitted U.S. and foreign energy companies to produce and purchase Venezuelan oil despite sanctions, the risk of secondary tariffs aims to cut off, more effectively and more

⁵⁷ Oversight and Investigations Subcommittee of the House Committee on Natural Resources, Exploring the Potential of Deep-Sea Mining to Expand American Mineral Production, YOUTUBE, at 31:38 (Apr. 29, 2025), at <https://www.youtube.com/watch?v=s75cordV8Wo>.

⁵⁸ *Id.* at 32:48.

⁵⁹ This may have been TMC’s strategy. If it was, though, it may be a pyrrhic victory for the company. TMC USA’s permit application with NOAA could lead to the cancellation of TMC’s subsidiaries’ ISA exploration contracts and the denial of any applications its subsidiaries might make for an exploitation contracts. See International Seabed Authority Press Release, FAQs for the Media about the International Seabed Authority and Deep-Sea Mining, at <https://www.isa.org.jm/faq-for-media> [<https://perma.cc/N8BA-Z9V3>].

¹ See Imposing Tariffs on Countries Importing Venezuelan Oil, Exec. Order 14245, Sec. 2(a), 90 Fed. Reg. 13829, 13830 (Mar. 24, 2025) [hereinafter *Venezuela Tariffs Executive Order*].

² See Taking Additional Steps to Address the National Emergency with Respect to Venezuela, Exec. Order 13857, 84 Fed. Reg. 509 (Jan. 25, 2019) [hereinafter Taking Additional Steps EO]; Notice of OFAC Sanctions Actions, 84 Fed. Reg. 3282 (Jan. 28, 2019) [hereinafter Oil Sector Determination]; Blocking Property of the Government of Venezuela, Exec. Order 13884, 84 Fed. Reg. 38843 (Aug. 5, 2019) [hereinafter Blocking Property EO]; see also Imposing Additional Sanctions with Respect to the Situation in Venezuela, Exec. Order 13808, 82 Fed. Reg. 41155 (Aug. 24, 2017); Prohibiting Certain Additional Transactions with Respect to Venezuela, Exec. Order 13835, 83 Fed. Reg. 24001 (May 21, 2018).

³ See Daniel Flatley, *Trump’s Threat of “Secondary Tariffs” Invents New Trade Tool*, BLOOMBERG (Mar. 25, 2025), at <https://www.bloomberg.com/news/articles/2025-03-25/trump-s-threat-of-secondary-tariffs-invents-new-trade-weapon>.

comprehensively than before, the government of Nicolás Maduro's most important source of income and foreign currency: the sale of oil.⁴

President Trump imposed sanctions on the Venezuelan oil sector in early 2019 following the 2018 Venezuelan elections that the United States deemed illegitimate.⁵ PdVSA's property and property interests in the United States were blocked; U.S. persons were prohibited from entering into transactions with PdVSA; and anyone, including non-U.S. persons, who "materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of" PdVSA could themselves be designated for sanctions.⁶ U.S. sanctions sought to exclude Venezuela from international energy markets, and they had the effect of curtailing production and restricting oil sales between Venezuela and many of its major markets, including the United States, Europe, and India. But the sanctions could not curtail PdVSA's deals with Chinese, Iranian, and Russian entities, and they could not prevent the creation of a black market for Venezuelan oil that supplied China with hundreds of thousands of barrels per day at discounted prices.⁷

President Joseph R. Biden, Jr. maintained the sanctions upon taking office, but he eased them in November 2022 to encourage Venezuela to move toward free elections.⁸ This initial relaxation of sanctions took the form of a license—General License 41—issued to Chevron, a major U.S. oil and gas company and the last one with significant investments in Venezuela

⁴ See Mayela Armas, *Venezuela to Receive 27% More Income from PDVSA After Sanctions Easing—Document*, REUTERS (Dec. 12, 2023), at <https://www.reuters.com/markets/commodities/venezuela-receive-27-more-income-pdvsa-after-sanctions-easing-document-2023-12-12>; Mayela Armas, *Venezuela Sees Oil Exports Financing Almost Two-Thirds of 2023 Budget*, REUTERS (Dec. 5, 2022), at <https://www.reuters.com/world/americas/venezuela-sees-oil-exports-financing-almost-two-thirds-2023-budget-2022-12-05>.

⁵ See Jean Galbraith, *Contemporary Practice of the United States*, 113 AJIL 600, 605–06 (2019). The oil sector sanctions were part of a series of U.S. actions taken against Venezuela since the Obama administration.

⁶ See Oil Sector Determination, *supra* note 2, at 3282 (designating PdVSA pursuant to Executive Order 13850); Blocking Property of Additional Persons Contributing to the Situation in Venezuela, Exec. Order 13850, Sec. 1(a)(iii), 83 Fed. Reg. 55243 (Nov. 1, 2018); *see also* Blocking Property EO, *supra* note 2, Sec. 1(b). Concurrently, the Office of Foreign Assets Control issued a general license that authorized Chevron and four other U.S. entities to engage in "transactions and activities ordinarily incident and necessary to operations in Venezuela involving PdVSA." *See, e.g.*, Publication of Venezuela Web General License 8 and Subsequent Iterations, 86 Fed. Reg. 59024, 59025 (Oct. 26, 2021).

⁷ *See, e.g.*, Deisy Buitrago, Marianna Parraga & Matt Spetalnick, *Under U.S. Sanctions, Iran and Venezuela Strike Oil Export Deal*, REUTERS (Sept. 25, 2021), at <https://www.reuters.com/business/energy/exclusive-under-us-sanctions-iran-venezuela-strike-oil-export-deal-sources-2021-09-25>; Fabiola Zerpa & Ezra Fieser, *Russian Oil Rigs in Venezuela Complicate U.S. Talks with Maduro*, BLOOMBERG (Mar. 11, 2022), at <https://www.bloomberg.com/news/articles/2022-03-11/russian-oil-rigs-in-venezuela-complicate-u-s-talks-with-maduro>; Alexandra Ulmer & Marianna Parraga, *Russian Oil Firm Shuffles Venezuela Assets as Sanctions Bite*, REUTERS (Mar. 29, 2022), at <https://www.reuters.com/business/energy/exclusive-russian-oil-firm-shuffles-venezuela-assets-sanctions-bite-2022-03-29>; *Iran Signs 110 Million Euro Contract to Repair Venezuelan Refinery*, REUTERS (May 13, 2022), at <https://www.reuters.com/business/energy/iran-signs-110-mln-euro-contract-repair-venezuelan-refinery-2022-05-13>; Marianna Parraga & Jonathan Saul, *Venezuelan Oil Exports Flow Using False Documents, Ships Linked to Iran*, REUTERS (Nov. 30, 2022), at <https://www.reuters.com/business/energy/venezuela-exports-oil-despite-us-sanctions-using-false-documents-ships-linked-2022-11-30>; Mircely Guanipa, *Iran to Start Revamp at Venezuela's Largest Refining Complex Within Weeks—Sources*, REUTERS (Feb. 6, 2023), at <https://www.reuters.com/business/energy/iran-start-revamp-venezuelas-largest-refining-complex-within-weeks-sources-2023-02-03>.

⁸ See Collin Eaton, Patricia Garip & Andrew Restuccia, *Chevron Gets U.S. License to Pump Oil in Venezuela Again*, WALL ST. J. (Nov. 26, 2022), at <https://www.wsj.com/articles/chevron-gets-new-u-s-license-to-pump-oil-in-venezuela-again-11669487483>. There was some limited relaxation of sanctions earlier in 2022. *See* Marianna Parraga & Matt Spetalnick, *U.S. to Let Eni, Repsol Ship Venezuela Oil to Europe for Debt*, REUTERS (June 6, 2022), at <https://www.reuters.com/business/energy/exclusive-us-let-eni-repsol-ship-venezuela-oil-europe-debt-sources-2022-06-05>.

(through joint ventures with PdVSA).⁹ The license permitted Chevron to produce petroleum and petroleum products in Venezuela for sale to the United States.¹⁰ Following the October 2023 announcement of an agreement between Maduro's government and the Venezuelan opposition, which promised, and established the conditions for, a presidential election in 2024, the United States eased sanctions further, issuing a six-month license—General License 44—that permitted the previously prohibited transactions with PdVSA, thus opening up the Venezuelan oil sector beyond Chevron.¹¹

The relaxation of sanctions would be temporary, however. In early 2024, as it became clear that Maduro would not follow through on his promise, General License 44 was allowed to expire, though Chevron's General License 41, which by its terms renewed automatically, was permitted to continue.¹² Specific licenses, however, were granted to some European, Indian, and U.S. energy companies, allowing them to maintain their Venezuelan operations.¹³ As of early 2025, Venezuela produced about 900,000 barrels a day.¹⁴ About 480,000 barrels per day were exported to China, 250,000 to the United States, 63,000 to India, and 44,000 to Europe.¹⁵ Chevron's Venezuelan operations alone contributed about 31 percent of the government's oil income.¹⁶ The combination of general and specific licenses allowed for the continued flow of Venezuelan oil to the United States and particular partner countries but restricted (or attempted to restrict) its export to others.

⁹ See Kejal Vyas & Bradley Olson, *Chevron Stayed in Venezuela Long After Rivals Quit. Then It Had Second Thoughts*, WALL ST. J. (Nov. 8, 2018), at <https://www.wsj.com/articles/chevron-the-last-u-s-oil-major-in-venezuela-debates-should-it-stay-1541700438>.

¹⁰ See U.S. Dep't of the Treasury, Office of Foreign Assets Control, General License No. 41 – Authorizing Certain Transactions Related to Chevron Corporation's Joint Ventures in Venezuela (Nov. 26, 2022), at <https://ofac.treasury.gov/media/929531/download?inline> [<https://perma.cc/9ZWV-XSHG>].

¹¹ See U.S. Dep't of the Treasury, Office of Foreign Assets Control, General License No. 44 – Authorizing Transactions Related to Oil or Gas Sector Operations in Venezuela (Oct. 18, 2023), at <https://ofac.treasury.gov/media/932231/download?inline> [<https://perma.cc/7GF2-ZZGD>]; *Maurel & Prom Signs Pact to Expand Venezuela Oil, Gas Development*, REUTERS (Nov. 8, 2023), at <https://www.reuters.com/business/energy/pdvsa-maurel-prom-sign-pact-oil-gas-development-venezuela-2023-11-08>. For a full discussion, see Jacob Katz Cogan, *Contemporary Practice of the United States*, 118 AJIL 337, 344 (2024).

¹² See U.S. Dep't of the Treasury, Office of Foreign Assets Control, General License No. 44A – Authorizing the Wind Down of Transactions Related to Oil or Gas Sector Operations in Venezuela (Apr. 17, 2024), at <https://ofac.treasury.gov/media/932826/download?inline> [<https://perma.cc/V2Z7-HQZ4>].

¹³ See, e.g., Collin Eaton, Patricia Garip & Jenny Strasburg, *Chevron Wants the Oil to Keep Flowing in Venezuela After Disputed Election*, WALL ST. J. (Sept. 5, 2024), at <https://www.wsj.com/business/energy-oil/chevron-oil-pumping-venezuela-maduro-c9542b0f>; Rodrigo Orihuela, Patricia Laya & Nicolle Yapur, *Spain's Repsol Awarded US License to Operate in Venezuela*, BLOOMBERG (May 23, 2024), at <https://www.bloomberg.com/news/articles/2024-05-23/spain-s-repsol-awarded-us-license-to-keep-operating-in-venezuela>; Rakesh Sharma, Sudhi Ranjan Sen & Sarah Chen, *Reliance Gets US Approval to Resume Crude Imports from Venezuela*, BLOOMBERG (July 23, 2024), at <https://www.bloomberg.com/news/articles/2024-07-24/reliance-gets-us-approval-to-resume-crude-imports-from-venezuela>; Maurel & Prom Press Release, *M&P Receives A Specific License from the OFAC in Relation to Its Operations in Venezuela* (May 6, 2024), at <https://www.maureletprom.fr/en/article/m-p-receives-a-specific-license-from-the-ofac-in-relation-to-its-operations-in-venezuela> [<https://perma.cc/Q96Z-P7GL>].

¹⁴ *What Next for Venezuela as Trump Goes after Oil Revenues?*, FRANCE 24 (Apr. 1, 2025), at <https://www.france24.com/en/live-news/20250401-what-next-for-venezuela-as-trump-goes-after-oil-revenues>; see also Marianna Parraga, *Venezuela's 2024 Oil Exports Climb 10.5% Amid Political Turmoil*, REUTERS (Jan. 3, 2025), at <https://www.reuters.com/business/energy/venezuelas-2024-oil-exports-climb-105-amid-political-turmoil-2025-01-03>.

¹⁵ *Venezuela's Oil Flows Again, After a Week of Panic*, REUTERS (Apr. 9, 2025), at <https://www.reuters.com/markets/commodities/venezuelas-oil-flows-again-after-week-panic-2025-04-09>.

¹⁶ See Eaton, Garip & Strasburg, *supra* note 13.

President Trump reversed course as he began his second term, opting to reimpose “maximum pressure” on Venezuela.¹⁷ By the end of March 2025, the new administration had taken two actions to cut Venezuela’s oil production and sales. First, the Treasury Department revoked the general and specific licenses that had been issued by the Biden administration.¹⁸ Affected companies had to wind up their operations by May 27.¹⁹ According to State Department Spokesperson Tammy Bruce, “all Biden-era oil and gas licenses that benefited Maduro’s regime and lined the pockets of his cronies” were

¹⁷ President Barack Obama first declared a national emergency regarding Venezuela in 2015. See Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela, Exec. Order 13692, 80 Fed. Reg. 12747 (Mar. 8, 2015). As required by the NEA, see 50 U.S.C. § 1622(d), the Venezuela national emergency has been continued annually since it was first declared, most recently in February 2025. See Continuation of the National Emergency with Respect to Venezuela, 90 Fed. Reg. 11011 (Feb. 27, 2025). The secondary tariffs executive order adds that the “activities of the Tren de Aragua gang, a transnational criminal organization originating in Venezuela and designated as a Foreign Terrorist Organization and a Specially Designated Global Terrorist organization, have intensified this [national security] threat.” Venezuela Tariffs Executive Order, *supra* note 1, pmb1.

¹⁸ See U.S. Dep’t of the Treasury, Office of Foreign Assets Control, General License No. 41B – Authorizing the Wind Down of Certain Transactions Related to Chevron Corporation’s Joint Ventures in Venezuela (Mar. 24, 2025), at <https://ofac.treasury.gov/media/934071/download?inline> [<https://perma.cc/34A6-WD2E>]; Collin Eaton & Patricia Garip, *U.S. Revokes Chevron License to Pump Venezuelan Oil*, WALL ST. J. (Mar. 4, 2025), at <https://www.wsj.com/business/energy-oil/u-s-revokes-chevron-license-to-pump-venezuelan-oil-2fc6519d>; Patricia Garip, Collin Eaton & Vera Bergengruen, *Trump Orders GOP Donor’s Oil Company to Leave Venezuela*, WALL ST. J. (Mar. 29, 2025), at <https://www.wsj.com/business/energy-oil/trump-orders-gop-donors-oil-company-to-leave-venezuela-a62f5cd9>; Carolina Gonzalez, *US Revokes Italy’s Eni Permit for Gas Produced in Venezuela*, BLOOMBERG (Mar. 30, 2025), at <https://www.bloomberg.com/news/articles/2025-03-30/us-revokes-italy-s-eni-permit-for-gas-produced-in-venezuela>; Fabiola Zerpa, Andreina Itriago & Eric Martin, *US Poised to Order More Companies to Stop Operating in Venezuela*, BLOOMBERG (Mar. 7, 2025), at <https://www.bloomberg.com/news/articles/2025-03-07/us-poised-to-order-more-companies-to-stop-operating-in-venezuela>; *France’s M&P, Spain’s Repsol Say Venezuela Oil Licences Revoked by US*, REUTERS (Mar. 31, 2025), at <https://www.reuters.com/markets/commodities/us-revokes-french-oil-group-mps-specific-licence-activities-venezuela-2025-03-31>; Curtis Williams & Marianna Parraga, *US Licenses for Trinidad-Venezuela Gas Projects Revoked*, *Trinidad Says*, REUTERS (Apr. 8, 2025), at <https://www.reuters.com/business/energy/us-licenses-trinidad-venezuela-gas-projects-revoked-trinidad-says-2025-04-08>.

¹⁹ The original deadline for Chevron to wind down its operations was April 3, 2025. See U.S. Dep’t of the Treasury, Office of Foreign Assets Control, General License No. 41A - Authorizing the Wind Down of Certain Transactions Related to Chevron Corporation’s Joint Ventures in Venezuela (Mar. 4, 2025), at <https://ofac.treasury.gov/media/934026/download?inline> [<https://perma.cc/9PMC-XYHG>]. Chevron and European companies lobbied hard for rescinding the licenses’ cancellation or at least for the granting of more limited licenses what would allow them to maintain their stakes and presence in Venezuela. See *Chevron, European Firms Lobby to Keep Stakes in Venezuela Oil Joint Ventures*, REUTERS (May 15, 2025), at <https://www.reuters.com/business/energy/chevron-european-firms-lobby-keep-stakes-venezuela-oil-joint-ventures-2025-05-15>; Brian Schwartz, Alex Leary & Collin Eaton, *Trump Considers Extending Chevron License to Pump Oil in Venezuela*, WALL ST. J. (Mar. 19, 2025), at <https://www.wsj.com/world/americas/chevron-ceo-lobbies-for-more-time-to-wind-down-venezuela-operations-5afc2dee>. As the May 27 deadline neared, disagreements within the administration regarding Venezuela policy led to mixed signals about whether the licenses would be renewed, but the decision was eventually made not to revive them following pressure from hardline members of Florida’s congressional delegation whose votes were critical to the passage of an unrelated high-priority bill. See Karen DeYoung, Samantha Schmidt & Marianna Sotomayor, *Rubio and Grenell, Trump’s Dueling Diplomats, clash over Venezuela*, WASH. POST (May 24, 2025), at <https://www.washingtonpost.com/national-security/2025/05/24/rubio-grenell-trump-venezuela-chevron/>; Eric Martin, Jennifer A. Dlouhy & Andreina Itriago, *Trump Team Split on Venezuela Policy Puts Chevron in Limbo*, BLOOMBERG (May 23, 2025), at <https://www.bloomberg.com/news/articles/2025-05-23/trump-team-s-game-of-thrones-on-venezuela-whiplashes-chevron/>; Antonio Maria Delgado, Jay Weaver & Nora Gámez Torres, *U.S. Secretly Negotiating Deal to Let Venezuela Sell More Oil if It Takes More Deportees*, MIAMI HERALD (May 22, 2025), at <https://www.miamiherald.com/news/nation-world/world/americas/venezuela/article306913806.html>.

terminated.²⁰ A limited license allowed only Chevron to maintain essential Venezuelan operations, as had been permitted between 2020 and 2022.²¹ It is estimated that canceling the licenses will cut Venezuela's oil output by 150,000 and 350,000 barrels per day.²²

Second, the executive order authorized the imposition of a twenty-five percent tariff on countries that import Venezuelan oil, directly or indirectly.²³ A new form of sanction, these secondary tariffs will supplement import duties already imposed.²⁴ Authority to determine whether a country has imported Venezuelan oil directly or indirectly is delegated to the secretary of commerce, but once that determination is made the decision to impose tariffs is given to the secretary of state.²⁵ Any tariffs so imposed will automatically expire a year after the "last date on which the country imported Venezuelan oil" or at an earlier date as determined by the secretary of commerce.²⁶ No secondary tariffs have been imposed to date. Though it will be difficult for the Commerce Department to track shipments, a country like Malaysia, which is suspected of participating in the black market for Venezuelan oil (including transshipments to China) and which is highly dependent on trade with the United States, may decide to prohibit Venezuelan imports due to the risk of tariffs.²⁷

Venezuela called the tariffs an "arbitrary, illegal, and desperate measure" that "flagrantly violate[d] international trade rules."²⁸ Chinese Foreign Ministry Spokesperson Guo Jiakun said that "[t]he U.S. has long abused illegal unilateral sanctions and 'long-arm jurisdiction,' and

²⁰ U.S. Dep't of State Press Release, Department Press Briefing (May 27, 2025), at <https://www.state.gov/briefings/department-press-briefing-may-27-2025> [<https://perma.cc/VZC4-8KA5>].

²¹ See Eric Martin & Andreina Itriago, *US Plans Chevron License for Minimum Upkeep in Venezuela*, BLOOMBERG (May 23, 2025), at <https://www.bloomberg.com/news/articles/2025-05-24/chevron-cvx-venezuela-seen-getting-us-license-for-minimum-maintenance>; *US Grants Chevron Narrow Authorization to Keep Assets in Venezuela, Sources Say*, REUTERS (May 27, 2025), at <https://www.reuters.com/business/energy/us-grants-chevron-narrow-authorization-keep-assets-venezuela-sources-say-2025-05-27>. At the end of July, it was reported that the Treasury Department had issued a specific license to Chevron that restored its ability to pump oil in Venezuela. See Alex Leary, Vera Bergengruen & Kejal Vyas, *Trump Administration Greenlights Chevron to Resume Pumping Oil in Venezuela*, WALL ST. J. (July 24, 2025), at <https://www.wsj.com/world/americas/trump-administration-greenlights-chevron-to-resume-pumping-oil-in-venezuela-0353262b>.

²² See *Venezuela's Oil Flows Again*, *supra* note 15.

²³ "Venezuelan oil" is defined as "crude oil or petroleum products extracted, refined, or exported from Venezuela, regardless of the nationality of the entity involved in the production or sale of such crude oil or petroleum products." Venezuela Tariffs Executive Order, *supra* note 1, Sec. 5(a). "Indirectly" is defined as including purchases "through intermediaries or third countries where the origin of the oil can reasonably be traced to Venezuela, as determined by the Secretary of Commerce." *Id.*, Sec. 5(b). Like other recent executive orders imposing tariffs, the president based his authority in this executive order on the International Emergency Economic Powers Act (IEEPA) and the National Emergencies Act (NEA). See *id.*, pmbl; Jacob Katz Cogan, *Contemporary Practice of the United States*, 119 AJIL 313, 321 (2025).

²⁴ See Venezuela Tariffs Executive Order, *supra* note 1, Secs. 2(a), 3(b).

²⁵ See *id.*, *supra* note 1, Sec. 2(b). The secretary of state must consult with the secretary of the treasury, the secretary of commerce, the secretary of homeland security, and the U.S. trade representative. See *id.*

²⁶ *Id.*, Sec. 2(c).

²⁷ See Luisa Palacios, *The Impact of the New US Oil Tariffs on Venezuela*, CTR. GLOB. ENERGY POL'Y (Apr. 1, 2025), at <https://www.energypolicy.columbia.edu/the-impact-of-the-new-us-oil-tariffs-on-venezuela> [<https://perma.cc/XN53-42DV>].

²⁸ Consulate General of Venezuela in Cuba Press Release, *El Rumbo de Venezuela Está Claro, Nada ni Nadie Nos Detendrá* [Venezuela's Course Is Clear, Nothing and No One Will Stop Us] (Mar. 24, 2025), at <https://www.consuladovenezuela.co.cu/el-rumbo-de-venezuela-esta-claro-nada-ni-nadie-nos-detendra> [<https://perma.cc/EV8F-5NCL>].

grossly interfered in the internal affairs of other countries. China firmly opposes such actions.”²⁹ He continued: “We urge the U.S. to cease its interference in Venezuela’s internal affairs, lift its illegal unilateral sanctions against Venezuela, and take steps that contribute to peace, stability, and development in Venezuela and beyond. Trade wars and tariff wars have no winners. Imposing additional tariffs will only inflict greater losses on American businesses and consumers.”³⁰ China is the largest purchaser of Venezuelan oil, though the origins of Venezuelan imports are often concealed (through obscure intermediary companies, transshipments, the tampering of tankers’ location signals, the renaming of vessels, and the forging of documents).³¹ Chinese banks are also significant creditors of Venezuela (they are owed about \$10 billion), and a decrease in oil revenue may limit Venezuela’s ability to satisfy its Chinese debts.³²

With the termination of licenses that had allowed shipments to European, Indian, and U.S. markets and the threat of tariffs possibly curtailing the illicit trade of sanctioned oil, Venezuela will need to find other ways to maintain its oil revenue.³³ Venezuela has asked China “to increase oil purchases and help provide the diluent and light crude needed to process and export Venezuela’s tar-like oil.”³⁴ China reportedly, in exchange, wishes to renegotiate the price terms of existing oil contracts to receive additional discounts.³⁵ In May, Russia and Venezuela signed a strategic partnership agreement that included a commitment for the two countries to “cooperate in the energy sector in such areas as exploration and development of new oil and natural gas fields, increasing the yield of fields operated by joint ventures . . . and expanding oil trading operations.”³⁶ Due to conditions in the contemporary oil market (including a glut in unsanctioned oil, increased U.S. domestic production, competition with sanctioned oil from Iran and Russia, and perhaps a decrease in Chinese demand), Venezuela’s ability to evade U.S. sanctions may be more difficult now than when

²⁹ Ministry of Foreign Affairs of the People’s Republic of China Press Release, Foreign Ministry Spokesperson Guo Jiakun’s Regular Press Conference (Mar. 25, 2025), at https://www.fmprc.gov.cn/eng/xw/fyrbt/202503/t20250325_11581716.html [<https://perma.cc/34VG-9XNH>].

³⁰ *Id.*

³¹ See Keith Bradsher, *Trump’s Threatened Tariff on Buyers of Venezuelan Oil Could Squeeze China*, N.Y. TIMES (Apr. 4, 2025), at <https://www.nytimes.com/2025/04/04/business/trump-venezuela-oil-tariffs-china.html>; Chen Aizhu, *Traders Rebrand Venezuelan Oil for China as Brazilian, Sources and Tanker Trackers Say*, REUTERS (May 12, 2025), at <https://www.reuters.com/business/energy/traders-rebrand-venezuelan-oil-china-brazilian-sources-tanker-trackers-say-2025-05-12>; Serene Cheong, Clara Ferreira Marques, Weilun Soon, Krishna Karra & Yasufumi Saito, *The Clandestine Oil Shipping Hub Funneling Iranian Crude to China*, BLOOMBERG (Nov. 19, 2024), at <https://www.bloomberg.com/graphics/2024-iran-south-china-sea-oil-trade>.

³² See Keith Bradsher, *Trump’s Threatened Tariff on Buyers of Venezuelan Oil Could Squeeze China*, N.Y. TIMES (Apr. 4, 2025), at <https://www.nytimes.com/2025/04/04/business/trump-venezuela-oil-tariffs-china.html>.

³³ Initial reports indicated Venezuelan oil exports decreasing more than ten percent since the secondary tariff announcement and the cancellation of licenses. See Marianna Parraga, *Venezuela’s Oil Exports Fall 11.5% Over US Tariffs and Sanctions, Shipping Data Show*, REUTERS (Apr. 2, 2025), at <https://www.reuters.com/business/energy/venezuelas-oil-exports-fall-115-over-us-tariffs-sanctions-shipping-data-say-2025-04-01>; *Venezuela’s State Oil Firm Exporting Crude Grade Previously Shipped by Chevron, Data Shows*, REUTERS (May 16, 2025), at <https://www.reuters.com/business/energy/venezuelas-state-oil-firm-exporting-crude-grade-previously-shipped-by-chevron-2025-05-16>.

³⁴ *Venezuela Pleads for China to Buy Oil as Trump Kicks Chevron Out*, BLOOMBERG (May 1, 2025), at <https://www.bloomberg.com/news/articles/2025-05-01/venezuela-pleads-for-china-to-buy-oil-as-trump-kicks-chevron-out>.

³⁵ See *id.*

³⁶ Agreement Between the Russian Federation and the Bolivarian Republic of Venezuela on Strategic Partnership and Cooperation, Art. 10 (May 7, 2025), at <http://www.kremlin.ru/supplement/6305> [<https://perma.cc/EJV9-W95J>].

sanctions were first imposed in 2019.³⁷ Analysts said that the secondary tariff threat could increase Chinese and Indian demand for Russia oil.³⁸

INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Secretary of State Rubio Announces Visa Restrictions for Foreign Officials Who Forcibly Return Uyghurs to China and Immediately Bars Thai Officials

doi:10.1017/ajil.2025.10090

In March 2025, Secretary of State Marco Rubio announced a policy that bars the granting of visas to “foreign government officials responsible for, or complicit in, the forced return of Uyghurs or members of other ethnic or religious groups with protection concerns to China.”¹ He immediately applied the policy to restrict the entry of current and former Thai government officials who were “responsible for, or complicit in, the forced return of 40 Uyghurs from Thailand on February 27[, 2025].”² Secretary Rubio, who as a senator introduced the Uyghur Human Rights Policy Act of 2020,³ and who during his confirmation hearing promised to “lobby” Thailand not to return the Uyghurs to China,⁴ stated that the United States is “committed to combating China’s efforts to pressure governments to forcibly return Uyghurs and other groups to China, where they are subject to torture and enforced disappearances.”⁵ This was the first time the United States has penalized foreign officials for violating the principle of *non-refoulement*.

The Uyghurs who were forcibly returned to China in February were detained in Thailand eleven years earlier, in early 2014.⁶ They were among more than three hundred Uyghurs who were apprehended by the Thai government after traveling across China and through southeast Asia with the aid of smugglers, in an attempt to reach Malaysia and eventually

³⁷ See Palacios, *supra* note 27.

³⁸ See Timothy Gardner & Marianna Parraga, *Trump to Hit Venezuelan Oil Buyers with Tariff, Extends Chevron’s Wind Down*, REUTERS (Mar. 25, 2025), at <https://www.reuters.com/business/energy/trump-impose-25-tariff-countries-that-buy-oil-gas-venezuela-2025-03-24>.

¹ See U.S. Dep’t of State Press Release, *Announcement of a Visa Restriction Policy to Address the Forced Return of Uyghurs and Members of Other Ethnic or Religious Groups with Protection Concerns to China* (Mar. 14, 2025), at <https://www.state.gov/announcement-of-a-visa-restriction-policy-to-address-the-forced-return-of-uyghurs-and-members-of-other-ethnic-or-religious-groups-with-protection-concerns-to-china> [<https://perma.cc/J6JJ-88QZ>] [hereinafter Uyghurs Visa Restriction Policy].

² *Id.*

³ See Pub. L. 116–145, 134 Stat. 648 (June 17, 2020); S. 3744, 116th Cong., 1st Sess. (2020), at <https://www.congress.gov/bill/116th-congress/senate-bill/3744/text> [<https://perma.cc/9N3J-B2DS>] (noting sponsorship of the bill by Sen. Marco Rubio).

⁴ See The Nomination of Hon. Marco Rubio to Be U.S. Secretary of State, Hearing Before the Committee on Foreign Relations United States Senate, S. Hrg. 119–12, at 27 (Jan. 15, 2025).

⁵ Uyghurs Visa Restriction Policy, *supra* note 1.

⁶ See Edward Wong, *Thais Detain More Migrants Believed to Be Ethnic Uyghurs*, N.Y. TIMES (Mar. 24, 2014), at <https://www.nytimes.com/2014/03/25/world/asia/thailand-detains-more-migrants-believed-to-be-uyghurs.html>; Edward Wong, *Thailand Is Searching for Scores of Uyghurs Who Fled China*, N.Y. TIMES (Nov. 18, 2014), at <https://www.nytimes.com/2014/11/19/world/asia/thailand-is-searching-for-scores-of-uyghurs-who-fled-china.html>.