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ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES

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C O N T E N T S

EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES

I. INTRODUCTION

1. The item "Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties" was placed on the agenda of the Thirty-Sixth Session (Tehran, 1997) of the Asian-African Legal Consultative Organization (hereinafter called the AALCO) following upon a reference made by the Government of Islamic Republic of Iran in accordance with Article 4 (c) of the Statutes and sub-Rule 2 of Rule 11 of the Statutory Rules of the Organization.

2. Thereafter the item had been considered at the successive sessions of the Organization.[1] It was considered as a deliberated agenda item at the Forty-Third Session of the Organization (Bali, 2004) and RES/43/6[2] adopted at the Session directed the Secretariat "to continue to study legal implications related to the Extraterritorial Application of National Legislation: Sanctions Imposed against Third Parties and the executive orders imposing sanctions against target States." The Resolution also urged upon Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this topic.

3. The Secretariat in preparation of the study on this agenda item relies largely upon the materials and other relevant information furnished by the AALCO Member States. Such information provides useful inputs and facilitates the Secretariat endeavor, towards examining and drawing appropriate conclusions on the impact and legality of such extraterritorial application of national legislation, with special reference to sanctions imposed against third parties. In this regard, the Secretariat reiterates its request to the Member States to provide it with relevant legislation and other related information on this topic.

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[1] It was considered at the Forty-Second Session (Seoul, 2002) of the Organization as a non-deliberated item.

[2] For text of Resolution see AALCO, *Report of the Forty-Third Session* (21-25 June 2004, Bali, Republic of Indonesia), p. 205.

II. AALCO'S WORK PROGRAMME ON THE EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES

4. The Government of Islamic Republic of Iran while referring the item submitted an Explanatory Note that enumerated four major reasons for the inclusion of this item on the agenda of the AALCO, namely: (i) that the limits of the exception to the principle of extraterritorial jurisdiction was not well established; (ii) that the practice of States indicates that they oppose the extraterritorial application of national legislation; (iii) that extraterritorial measures violate a number of principles of international law; and (iv) that extraterritorial measures affect trade and economic cooperation between developed and developing countries and also interrupt co-operation among developing countries. The Explanatory Note had furthermore *inter alia* requested the AALCO "to carry out an in-depth study concerning the legality of such unilateral measures, taking into consideration the positions and reactions of various governments, including the positions of its Member States".

5. Accordingly, a preliminary study prepared by the Secretariat was considered at the Thirty-Sixth Session (Tehran, 1997) of the AALCO which had pointed out that in the claims and counter claims that arose in exercise of extraterritorial jurisdiction involved the following principles: (i) principles concerning jurisdiction; (ii) sovereignty-in particular economic sovereignty – and non-interference in internal affairs of a State; (iii) genuine or substantial link between the State and the activity regulated; (iv) public policy and national interest; (v) lack of agreed prohibitions restricting State's right to extend its jurisdiction; (vi) reciprocity or retaliation; and (vii) promoting respect for rule of law. Notwithstanding the national interests of the enacting State, grave concern had been expressed on the promulgation and application of national legislation whose extraterritorial aspects affect the sovereignty of other States.

6. The preliminary study had pointed out that while a growing number of other States had applied their national laws and regulations on extraterritorial basis, fora such as the General Assembly of the United Nations, the Group of 77, the Organization of Islamic Conference, the Inter-American Juridical Organization and the European Economic Community, had, in various ways expressed concern about promulgation and application of laws with extraterritorial effects, as they affected sovereignty of other States, the legitimate interests of entities and persons under their jurisdiction and the freedom of trade and navigation.

7. Further, the preliminary study apart from referring to some recent instances of extraterritorial application of national laws (without resolving the other questions, including the question of economic counter measures), had furnished an overview of the limits imposed by international law on the extraterritorial application of national laws, and *inter alia* spelt out the response of the international community to such actions. The study also drew attention to the opinion of such bodies, as the Inter-American Juridical

Organization, the juridical body of the Organization of American States[3] and the International Chamber of Commerce.[4]

8. The Secretariat study had also shown that the topic touched upon the political, legal, economic and trade aspects of inter-State relations. It recalled in this regard that the AALCO Secretariat study on the "Elements of Legal Instruments on Friendly and Good-Neighbourly Relations Between the States of Asia, Africa and the Pacific" had *inter alia* listed 34 norms and principles of international law, conducive to the promotion of friendly and good neighbourly relations. Some of these principles enumerated *inter alia* were: (i) independence and state sovereignty; (ii) territorial integrity and inviolability of frontiers; (iii) legal equality of States; (iv) non-intervention, overt or covert; (v) non-use of force; (vi) peaceful settlement of disputes; (vii) peaceful coexistence; and (viii) mutual cooperation.[5]

9. The Secretariat study had pointed out that the Declaration[6] and Programme of Action[7] adopted by the Sixth Special Session of the General Assembly, the Charter of Economic Rights and Duties of States, 1974[8], the United Nations Convention on the Law of the Sea, 1982 and several other international instruments retain many of the traditional aspects of sovereignty. These instruments also reaffirmed principles of economic sovereignty wherein rights and interests of States in the permanent sovereignty of their natural resources would be protected.

10. The study had submitted that it may, perhaps, be necessary to delimit the scope of inquiry into the issue of extraterritorial application of national legislation in determining the parameters of the future work of the Organization on this item. It had asked for consideration to be given to the question, as to whether it should be a broad survey of questions of extraterritorial application of municipal legislation examining the relationship and limits between the public and private international law on the one hand, and the interplay between international law and municipal law on the other. It had recalled in this regard that, at the 44th Session of the International Law Commission (1992), the Planning Group of the Enlarged Bureau of the Commission had established a working group on the long-term programme to consider topics to be recommended to the General Assembly for inclusion in the programme of work of the Commission and one of the topics included in the open-selected lists was the Extraterritorial Application of National Legislation.

12. An outline on the topic "Extraterritorial Application of National Legislation" prepared by a Member of the Commission had *inter alia* suggested that "it appears quite

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[3] For details see *International Legal Materials, Vol. 35* (1996), p. 1322.

[4] Dieter Lange and Gary Borne (eds.), *The Extraterritorial Application of National Laws* (ICC Publishing S.A. 1987).

[5] The Secretariat Study on "Elements of a Legal Instrument on Friendly and Good Neighbourly Relations Between States of Asia, Africa and the Pacific" was prepared in 1987 and is reprinted in *AALCC Combined Reports of the Twenty-sixth to Thirtieth Sessions* (New Delhi, 1992), p. 192.

[6] Resolution 3201 of May 1, 1974, Sixth Special Session.

[7] Resolution 3202 of May 1, 1974, Sixth Special Session.

[8] Resolution 3281, 29th Session.

clear that a study of the subject of Extraterritorial Application of National Laws by the International Law Commission would be important and timely. There is an ample body of State practice, case law, national study on international treaties, and a variety of scholarly studies and suggestions. Such a study could be free of any ideological overtones and may be welcomed by States of all persuasions.

13. The Secretariat study had proposed that in determining the scope of the future work on this subject, the Organization should bear in mind the request of the Government of the Islamic Republic of Iran to carry out a comprehensive study concerning the legality of such unilateral measures i.e. sanctions imposed against third Parties, "taking into consideration the position and reactions of various governments, including the position of its Member States". The study also proposed that in considering the future work of the Secretariat on this item, Member States could consider sharing their experiences with the Secretariat on this matter.

14. The agenda item had been considered at the Thirty-Sixth (Tehran, 1997); Thirty-Seventh (New Delhi, 1998); Thirty-Eighth (Accra, 1999); Thirty-Ninth (Cairo,2000); Fortieth (HQ, 2001); Forty-First (Abuja, 2002); and Forty-Third (Bali, 2004) Sessions of the Organization. The essence of the discussions at the successive Sessions was that the promulgation of extraterritorial measures was violative of the core principles of territorial integrity and political independence enshrined in the UN Charter. It, therefore hindered peaceful and economic relation between States".

III. SOME CURRENT DEVELOPMENTS PERTAINING TO THE IMPOSITION OR REMOVAL OF SANCTIONS BY THE UNITED STATES OF AMERICA, PARTICULARLY AGAINST AALCO MEMBER STATES

A. Introduction of Bills in the United States Senate regarding sanctions against the Islamic Republic of Iran

15. Two bills were introduced in the United States Senate pertaining to the imposition of sanctions against the Islamic Republic of Iran. The First Bill entitled "Investor in Iran Accountability Act of 2005" was introduced on 7 February 2005 while the second entitled "Iran Freedom and Support Act of 2005"[9] was introduced on 9 February 2005. While the first Bill is referred to the Committee on Banking, Housing and Urban Affairs, the second Bill has been referred to the Committee on Foreign Relations.[10]

B. Imposition of sanctions against certain firms of the People's Republic of China

16. The United States Government in early January this year imposed sanctions against seven Chinese companies on the ground that they might have helped the Islamic Republic of Iran by transferring to it "equipment and technology controlled under multilateral export control lists." Condemning the imposition of such sanctions, the Chinese Foreign Ministry Spokesman said that "the US government has wantonly launched sanctions against Chinese companies without any evidence".[11]

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[9] It is distressing to note that Sanator Santorum, who introduced the "Iran Freedom and Support Act of 2005" in coordination with the White House wrongly accuses the Islamic Republic of Iran to the "attacks against American Military personnel in Saudi Arabia at Khobar Towers in 1996, and to al Qaeda attacks against civilians in Saudi Arabia in 2004." The investigation carried out by the Saudi authorities has clearly established that there was no foreign involvement in such incidents. The legislation commits USA to actively support national referendum in Iran and seeks to subvert the duly established government there. The Bill reauthorizes sanctions against American and foreign companies that do business with Iran's oil sector. It also prevents even the foreign subsidiaries of American companies to do business with Iran. It further authorizes the US President "to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting stations that broadcast into Iran." Some of the details stated herein are drawn from Eli Lake, "People of Iran Draw Backing in Washington", *The New York Sun*, 10 February 2005.

[9] These Bills have been reproduced in the Annex.

[10] These Bills have been reproduced in the Annex.

[11] The information stated herein is extracted from the following newsitems : "China slapped with sanctions", Times of India (New Delhi), 19 January 2005, p. 14; "US slaps sanctions on Chinese firms", The Indian Express (New Delhi), 19 January 2005; "US slaps sanctions against Chinese, other Asian firms over Iran trade", dated 18 January 2005, available on URL: http://www.channelnewsasia.com/stories/afp_asiapacific_business/view/127945/1/html.

sC. Lifting or easing out of sanctions imposed against Libya by the United States of America

17. The United States of America on 23 April 2004 announced the easing and lifting of sanctions against Libya. The US President terminated the application of the Iran and Libya Sanctions Act with respect to Libya and this US action came in the wake of progress made by Libya in dismantling its weapons of mass destruction and the missiles capable of delivering them. The economic embargo was imposed against Libya in January 1986 in the wake of attacks at Rome and Vienna Airports on 27 December 1985 and has been continuing ever since.

18. Following the lifting and easing of sanctions, now US firms and individuals would be allowed the resumption of most commercial activities, financial transactions and investments. US companies would be able to buy or invest in Libyan oil and products. US commercial banks and other financial service providers would be able to participate in and support these transactions. The US Government also announced that it would enhance its economic relations and would begin a dialogue on trade, investment and economic reform and would drop its objection to Libyan efforts to begin WTO accession process. As a result of the lifting of commercial restrictions on Libya, Libyan students would be eligible to study in the United States.

19. However, controls on exports with respect to Libya would be maintained by the US, as it's name still remains on the State Sponsors of Terrorism List. US restriction would continue to apply to exports of dual-use items with military potential, including potential for Weapons of Mass Destruction (WMD) or missile applications. Further, the exports to Libya of defense articles and services on the U. S. Munitions List is still prohibited. The US lifting of sanctions has also not provided for direct air service between the US and Libya and third country code sharing. Moreover, the US Government has not released the frozen Libyan government assets.[12]

20. Libyan officials have welcomed the easing of US sanctions and have described the Washington's move as a "victory" for the Arab country.[13] Economic analysts say that the move would be beneficial to both Libya and the US. Libya would develop its technology, aviation and oil sectors, while America will gain from exploiting the country's substantial oil wealth. American oil firms would be able to resume their activities in Libya after an 18-years absence.

21. However, the lifting of sanctions does not detract Tripoli's obligations of payment of compensation to the families of the victims of the Lockerbie bombing of Pan Am

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[12] Details stated herein are drawn from: Statement by Press Secretary, "U. S. Eases Economic Embargo Against Libya", 23 April 2004, available at URL: http://www.whitehouse.gov/news/releases/2004/04/20040423-9.html;

[13] BBC News, "Libya welcomes eased US sanctions", 24 April 2004, http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/3655035.stm .

Flight 103 over Scotland in 1988. Libya's obligation to pay US $ 2.7 billion, or US $ 10 million per family, in compensation for 270 victims stands.[14]

22. The removal of US sanctions against Libya means that the United States of America would no longer punish countries that do business with Libya.[15]

D. Imposition of sanctions against Syria by the United States of America

23. The President of the United States of America, Mr. George Bush on 11 May 2004[16] vide an executive order[17] imposed sanctions against Syria. US Government based its action against Syria on the following grounds: (a) Syrian Government support for terrorist groups; (b) its continued military presence in Lebanon; (c) its pursuit of weapons of mass destruction; and (d) its action to undermine US and international efforts with respect to the stabilization and reconstruction of Iraq.

24. The sanctions include:

- Prohibition on the export to Syria of any items that appear on the United States Munitions List (arms and defence weapons, ammunition, etc) or Commerce Control List (dual use items such as chemicals, nuclear technology, propulsion equipment, lasers, etc);
- Prohibition on the export to Syria of products of the United States, other than food and medicine;
- Prohibition on aircraft of any air carrier owned or controlled by the Syrian Government to take off from or land in the United States;
- Restriction on relations between U.S. financial institutions and Commercial Banks of Syria; and
- Freezing within the jurisdiction of the United States, the assets belonging to certain Syrian individuals and government entities.

25. In December 2003, the American President signed the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, which provides for the imposition of a series of sanctions against Syria. The Act requires the President to choose two or more sanctions from a list of six, specifically:

- Ban on exports of products of the United States;
- Ban on US businesses investing or operating in Syria;

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[14] CNN.com, "U.S. lifts most sanctions against Libya", 23 April 2004, available at URL: http://www.cnn.com/2004/WORLD/africa/04/23/us.libya.sanctions. Also see "US lifts most sanctions", *The Hindu* (Delhi), 25 April 2004, p. 12.

[15] Ibid., CNN.com.

[16] The details stated herein are drawn from: "Executive Order: Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria", dated 11 May 2004 and "Fact Sheet: Implementing the Syria Accountability and Lebanese Sovereignty Act of 2003", dated 11 May 2004 available at URL: http://www.whitehouse.gov/news/releases/2004/05.

[17] The US President based his action inter alia upon-the International Emergency Economic Powers Act (IEEPA, 50 U.S.C. 1701); the National Emergencies Act (NEA, 50 USC 1601) and the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.

- Restriction on travel of Syrian diplomats to within a 25-mile radius of their posting in the United States;
- Prohibition on Syrian air-carriers from take-off, landing and overflight of the United States;
- Reduction of US Diplomatic contacts with Syria; or
- Blocking U.S. persons from engaging in any property transactions with the Syrian government.

26. The Act requires the US Government to submit an annual report to Congress, beginning in June 2004, on Syria's progress toward meeting the conditions set forth in the Act. It also provides that the President can waive sanctions in the "national security interest".

27. The imposition of these economic sanctions evoked strong resentment in the Arab countries. The Syrian President Mr. Bashar Assad said that the United States had provided no proof to warrant imposing sanctions on his country and added he would not bow to US demands to expel Palestinian militants. Disputing the grounds of imposition of sanctions President Assad observed that that Syria does not have weapons of mass destruction and there was no evidence of foreign fighters crossing the border from Syria to Iraq.[18] The Syrian Prime Minister, Mr. Naji al-Otari denounced the imposition of sanctions upon his country and termed them as "unjust and unjustified".[19]

28. The Arab League, in its statement said that the embargo would harden Arab opinion against the United States and would add to the sour feelings in the region and would raise more questions among Arab people about US plans for the region. Further, the League said that "the imposition of sanctions does not serve the interests of stability and peace, to which all the Arab states aspire".[20]

29. The Egyptian Foreign Minister, Mr. Ahmed Maher was of the view that "sanctions and threats are not beneficial and they will not work".[21]

30. President Mr. Emile Lahoud of Lebanon observed that the sanctions were "wrong in content and timing" and were influenced by Israel. Mr. Jean Obeid, the Lebanese Foreign Minister said the sanctions will harm America's image in the region and "will send very bad signals serving the extremist team in Israel and will not serve American or Arab interests".[22]

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[18] "Livid Syria rejects US sanctions move", *Times of India* (New Delhi), 14 May 2004, p. 17.
[19] "Syria criticizes U. S. Sanctions and Seeks Talks", *The New York Times*, 12 May 2004, available at URL: http://www.nytimes.com/aponline/international/AP-Syria-Sanctions.html?ei=5062&en+6b65.
[20] Ibid.
[21] Ibid.
[22] Ibid.

31. The Saudi Arabian Information Minister, Dr. Fouadn Al-Farsy said Washington's decision "does not serve stability in the region but will lead to more tension and feelings of injustice among Arab people".[23]

E. Extension of sanctions against Myanmar by the United States of America

32. On 17 May 2004, USA once again extended the sanctions imposed against Myanmar.[24] These sanctions were first imposed against Myanmar by USA on 20 May 1997 and are continuing since then. The sanctions are imposed allegedly on the ground that the Myanmar Government was carrying out large-scale repression of and violence against the Democratic opposition. These sanctions prohibit new investment in Myanmar by US persons, and their facilitation of new investment in Myanmar by foreign persons. Further, US persons are prohibited from purchasing shares in a third-country company where the company's profits are predominantly derived from the company's economic development of resources located in Myanmar.

F. Removal of sanctions against Iraq by the United States of America

33. On 8 May 2003, President Bush of USA suspended the Iraq Sanctions Act of 1990, imposed by the United States against Iraq's old regime led by its deposed President Mr. Saddam Hussein.[25] It also suspended certain unilateral economic sanctions against Iraq. Pursuant to this action:

- Licenses allowing those interested in providing humanitarian aid to Iraq to begin doing so immediately;
- Personal remittances, Friends and family living in the US are now able to contribute cash payments to any person in Iraq for up to US $ 500 per month;
- Any activity paid for with U.S. governments funds to fulfil our obligations under international law to the Iraqi people, including activities by contractors in support of those objectives;
- Privately funded humanitarian activity by U.S. entities not specifically in support of government objectives were also permitted.

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[23] "Cabinet Slams US Sanctions Against Syria – KSA", *Arab News*, 18 May 2004, available at URL: http://www.menafn.com/qn_print.asp?StoryID=50854&subl=true.

[24] The US President drew authority from following enactments: Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208); the International Emergency Economic Powers Act (50 U.S.C. 1701) and the Burmese Freedom and Democracy Act of 2003. The US Governments still continues to refer to Myanmar by its earlier name Burma. Details are drawn from: "Notice Continuation of the National Emergency with Respect to Burma", 17 May 2004 available at URL: http://www.whitehouse.gov/news/releases/2004/05/20040517-12.html.; and Statement by Press Secretary on "Burma: National Reconciliation and Democracy", 21 May 2004 available at URL: http://www.whitehouse.gov/news/releases/2004/05/20040521-9.html

[25] Details stated herein are drawn from "Key Points: Lifting U.S. Sanctions Against Iraq", 8 May 2003, available at URL: http://www.whitehouse.gov/news/releases/2003/05

34. President Bush in his statement went on to say as "the regime that the sanctions were directed against no longer rules Iraq. And no country in good conscience can support using sanctions to hold back the hopes of Iraqi people."[26]

[26] "President removes Iraqi sanctions", 7 May 2003, available at URL: http://www.whitehouse.gov/news/releases/2003/05/20030508-1.html.

IV. VIEWS AND COMMENTS OF AALCO MEMBER STATES PROVIDED BY THE MEMBER STATES TO THE AALCO SECRETARIAT

35. The State of Kuwait, Mauritius, Republic of Korea and Japan have provided to the Secretariat relevant information and materials regarding the agenda item. The views of these Member States are stated herein below:

A. State of Kuwait

36. The State of Kuwait confirms that sanctions imposed by third parties contradict with the principles of International Law, particularly, those that are related to the sovereignty of a country and non-interference in its internal affairs; also Kuwait believes in the importance of solving International disputes peacefully and removing hurdles laid before trade including avoidance of imposing sanctions that cause hurdles.

37. Therefore, the State of Kuwait did not issue any legislation containing sanctions against any country which could be impending to its progress, encroaching its sovereignty, interfering in its internal affairs usurping its right or hindering its right of free trade.[27]

B. Republic of Korea

38. The Embassy of the Republic of Korea informed the AALCO Secretariat that it had no relevant information on the agenda item "Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties".[28]

C. Republic of Mauritius

39. The High Commission of the Republic of Mauritius in New Delhi provided the AALCO Secretariat with the below-mentioned views and comments received by them from the Solicitor General of Mauritius:[29]

> "Mauritius is pleased to forward to the Secretariat its views and comments on the item "Extraterritorial application of National Legislation: Sanctions imposed against third parties" in accordance with Resolution No. 42/6 of June 2003, and as per the request from the Secretary-General dated 30 January 2004.
>
> It is hoped that these comments do not come too late in the day to be of help in the preparation of the in-depth study of the subject. It is believed

[27] The above stated information was provided to the AALCO Secretariat by the Embassy of the State of Kuwait in New Delhi vide its *Note Verbale* (Ref. 629/2004) dated 10 November 2004.
[28] The above stated information was provided to the AALCO Secretariat by the Embassy of the Republic of Korea in New Delhi vide its *Note Verbale* (Ref. KND/POL/03/236) dated 27 July 2004.
[29] The above stated information was provided to the AALCO Secretariat by the High Commisssion of the Republic of Mauritius in New Delhi vide its *Note Verbale* (Ref No. 157/2004 (ORG/AALCO/1/2004) dated 14 May 2004.

that all Member States stand to benefit from an assessment of the impact and legality of the application of extra-territorial jurisdiction. Mauritius notes that this item has been considered at successive sessions since the 36th Session of the AALCO and that varied views have been expressed on the topic.

Mauritius would wish to point out at the very outset that its Government has never promulgated nor applied any domestic laws having extraterritorial effect like the Helms Burton or Kennedy D'Amato Acts, nor has been subject to any such measures. Mauritius subscribes to the views of the international community on the fact that extraterritorial measures violate the sovereignty of other States thus violating international law principles like sovereignty and territoriality and principles in the Charter of the United Nations, such as friendly relations between nations and international cooperation.

Mauritius is of the view that the manner in which some States, particularly the United States, seek to apply their laws outside their territory is bound to precipitate conflicts with other States. Where the claims are founded upon the territorial and nationality theories of jurisdiction, problems do not generally arise. For instance, with respect to the Mauritian Dangerous Drugs Act, Mauritius regulates acts whose constituent elements may have occurred only in part in its territory in accordance with objective and subjective territoriality principles. However, where claims are made on the basis of the so-called "effects" doctrine, considerable controversy will invariably arise. Mauritius recalls that the effects doctrine has been energetically maintained particularly by the US in the area of antitrust legislation and the classic statement that was made by the American Courts as far back as 1945: "any State may impose liabilities, even upon persons not within its allegiance, for conduct outside its borders that has consequences within its borders which the state reprehends".

It is also recalled that foreign States have been reacting to the effects doctrine since the early 1980's by enacting blocking legislation. Under the UK Protection of Trading Interests Act 1980, for example, the Secretary of State in dealing with extraterritorial actions by a foreign state may prohibit the production of documents or information to the latter's courts or authorities. In addition, a UK national or resident may sue in an English Court for recovery of multiple damages paid under the judgment of a foreign Court.

The reaction of the international community, it is believed, has always been one of opposition across a range of situations since the freezing of Iranian assets and the Siberian pipeline episode. The adoption of legislation in the US imposing sanctions on Cuba and Iran and Libya has also stimulated opposition in view of the extraterritorial reach of such

measures. The adoption of the Helms Burton legislation in 1996, which provided, inter alia, for the institution of legal proceedings before the US Courts against foreign persons or companies deemed to be trafficking in property expropriated by Cuba from American nationals together with the adoption of the D' Amato Act in mid-1996, led to protests from many States. How basic and crucial differences of opinion over the effects doctrine can be resolved has been open to question since long and international fora have been suggested by jurists as the most appropriate way forward.

Mauritius notes that most AALCO Member States oppose the imposition of extraterritorial legislation as being contrary to international law and against good and friendly relations between States. Mauritius subscribes to the view that extraterritorial measures are violative of the core principles of territorial integrity and political independence of States. Extraterritorial sanctions also hinder peaceful relations on the international front. Mauritius also believes that disputes are to be settled peacefully, without any form of interference in other State's internal affairs, and that the universal, inalienable and sovereign rights of all States are to be recognized. It is in this respect that the imposition of unilateral extraterritorial coercive measures as a means of political and economic compulsion should be rejected.

It is also noted that the United Nations Charter authorized the use of coercive measures only where international peace and security are threatened. Otherwise, the unilateral use of such measures is bound to hinder international cooperation and the international trade and finance system. The unilateral and multilateral economic sanctions once imposed on South Africa had support from the international community in what may now be seen as exceptional circumstances.

Mauritius welcomes Resolution 57/5 and agrees that prompt elimination of extraterritorial measures which are not in conformity with the basic norms of international law would help in the furtherance of the principles of the "United Nations Charter and the World Trade Agreement".

D. Japan

40. The Embassy of Japan in New Delhi as regards relevant information and materials including text of national legislation relating to the topic "Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties" provided the Secretariat with the following materials:[30]

[30] The above stated information was provided to the AALCO Secretariat by the Embassy of Japan in New Delhi vide its *Note Verbale* (Ref. No. 11/3/03) dated 4 February 2004.

i. Explanation of Vote made by the representative of Japan on 12 November 2002 at the 57th Session of UN General Assembly on the voting of resolution A/RES/57/11 (Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba)

Mr. President,

Japan shares the concern expressed by many delegations today regarding the extraterritorial application of jurisdiction, arising from the Helms-Burton Act of the United States, which is likely to run counter to international law. My Government has been closely following the implementation of the legislation as well as the circumstances surrounding it, and our concern remain unchanged. For this reason, my delegation will vote in favour of draft resolution A/57/L.5.

Mr. President,

While Japan supports the draft resolution, it has some doubt as to whether the United Nations General Assembly is in fact the most suitable forum in which to address the very complex issue of US embargo against Cuba, Japan believes that its is desirable for both countries to seek a solution through bilateral dialogue, and thus calls upon them to strengthen efforts toward that end.

Thank you, Mr. President.

ii. Comments submitted by Japan to the Secretary-General of the UN at his request made under paragraph 4 of GA Resolution A/RES/56/9

The Government of Japan has not promulgated or applied any laws or measures of the kind referred to in paragraph 2 of resolution 56/9.

The Government of Japan believes that the economic policy of the United States towards Cuba should be considered primarily as a bilateral issues. However, Japan shares the concern, arising from the Cuban Liberty and democratic Soldering Act (the Helms-Burton Act) of 1996 and the Cuban Democracy Act (the Torricelli Act) of 1992, regarding the problem of the extraterritorial application of jurisdiction, which is likely to run counter to international law.

The Government of Japan has been closely following the situation in relation to the above-mentioned legislation and the surrounding circumstances and its concerns remains unchanged. Having considered the matter with the utmost care, Japan voted in favour of resolution 56/9.

41. The Embassy of Japan also informed that there was no legislation in Japan on extraterritorial application of national legislations.

V. CONSIDERATION OF THE AGENDA ITEM AT THE FORTY-THIRD SESSION OF THE ORGANIZATION (21-25 JUNE 2004, BALI, REPUBLIC OF INDONESIA)

42. The **Deputy Secretary-General Amb. Dr. Ali Reza Deihim** introduced the item and inter alia stated that some of the important conclusions reached on the basis of the discussions at the annual sessions of the AALCO were: *first*, extraterritorial measures or the promulgation of domestic laws having extra-territorial effects with the imposition of unilateral attributions and objectives or secondary boycotts that were violative of the sovereign rights and economic interests of a State; *second*, they also violated the core principles of territorial sovereignty and political integrity of other states and non-interference in internal affairs of other countries which had been enshrined in the Charter of the United Nations; and thus they made a major constraint in the way of trade and economic cooperation between States. The affirmation for the aforesaid conclusion of the Organization could also be deduced from the State practice in this regard, evident from the consideration of the resolution on Cuba by the UN General Assembly. The general view expressed by Member States in their statements delivered while deliberations clearly demonstrated that there was a crystallization of state practice that considers extraterritorial application of national legislation as violative of the principles of sovereign equality of States, non-intervention and non-interference as enshrined in the United Nations Charter, as well as the principles of freedom of trade and navigation. Such measures were considered to be detrimental to the right of development of the people of the targeted State.

43. Referring to the opinions expressed by AALCO Member States at previous AALCO Session, he said AALCO Member States were of the view that unilateral sanctions and extraterritorial measures against other countries were inadmissible under international law. Such actions, violated the principles set out in the UN Charter; the Declaration on the Inadmissibility of Interference in the Internal Affairs of States and the Protection of their Independence and Sovereignty (adopted in 1969); the 1979 Charter of Economic Rights and Duties of States; and the Friendly Relations Declaration of 1980. They also violated many other resolutions of UN General Assembly and Economic and Social Council (ECOSOC) resolutions that express grave concern over the negative impact of unilateral extraterritorial coercive economic measures and call for their immediate repeal. Further, it was stressed that such illegal measures impeded free international trade and negatively impinged upon social and human development in the targeted developing countries.

44. Amb. Dr. Deihim welcomed the recent easing and lifting of sanctions against AALCO Member State Libya by the United States of America. He informed that the economic embargo was imposed on Libya in 1986 on the basis of alleged involvement in the terrorist attacks against the Rome and Vienna airports in December of 1985. These sanctions were eased or lifted in response to Libya's progress in dismantling its weapons of mass destruction and the missile capable of delivering them. On the other hand, he informed on 11 May 2004, the United States of America had imposed sanctions against Syria allegedly on the grounds that it supported terrorist groups, its continued military

presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine US and international efforts with respect to the stabilization and reconstruction of Iraq. He emphasized that the imposition of these sanctions by the USA against our Member State needed to be strongly disapproved.

45. The **Delegate of the Syrian Arab Republic** emphasized that the issuing of the so-called Syrian Accountability Law by the United States of America was for the sake of the aggressive state of Israel. By issuing that law it imposed sanctions against Syria allegedly on false grounds. He stressed that that the extraterritorial application of this law lacked legal grounds and was outside its jurisdiction. It was a unilateral law and the USA tried to harm his country by imposing sanctions against the international law. He called upon all the AALCO Member States to condemn that law as it was against the UN Charter and the international legitimacy.

46. The **Delegate of Sudan** inter alia stated that for ensuring collective peace at times multilateral sanctions may be imposed. However, he stressed that the unilateral imposition of sanctions affected international peace and security.

47. The **Delegate of Republic of Indonesia** said his country was gravely concerned over the continued application of unilateral extraterritorial coercive measures whose effect had an impact on the sovereignty of other States and the legitimate interest of their entities and individuals in violation of norms of international law. Promulgation of domestic laws having extraterritorial effect may violate the core principles of territorial sovereignty and political integrity and therefore constituted a violation of cardinal principles of international law. Such measures also posed serious obstacles to trade and economic cooperation among States. For that reasons, his delegation maintained that promulgation or application by any State of any law affecting the sovereignty of other States should be rejected. He reiterated that all unilateral extraterritorial laws that imposed coercive economic measures contrary to international law on corporation and nationals of other states should be repealed. His delegation also called upon all States not to recognize and to reject unilateral extraterritorial coercive economic measures illegitimately imposed by any State against third parties.

48. The **Delegate of Islamic Republic of Iran** observed that in an era of rapid and unprecedented changes, the world needed peace, security and stability, which could be strengthened through the collective responsibility of countries and also through, inter alia, respect for sovereignty, rejection of interference in the internal affairs of other States, refraining from compulsion and intimidation, as well as the creation of an enabling environment for replacing conflict and unequal relations with dialogue and negotiations. Coercive economic measures as a means of political and economic compulsion, in particular through the enactment of extraterritorial legislation, were not only against the well-recognized provisions and principles of international law and the Charter of the United Nations, but also threatened the basic fabric of international peace, security and stability and violated the sovereignty of States. They also impeded and constrained settlement of disputes through the promotion of mutual dialogue understanding and peaceful means.

49. He said that unilateral measures with extra-territorial effects have different forms and manifestations. In the course of past two decades, they had been imposed against almost 80 countries, mostly from developing world. The form and applying method of such measures have changed with the passage of time, but their nature had remained unchanged. He noted with regret that the initiators of these unlawful measures seemed to be even more reluctant to abide by the rule of international law by revising their previous decisions. The delegate was of the view, unilateral sanctions and extraterritorial measures sanctions against other countries were inadmissible under international law and flagrantly constituted a direct interference with the ability of the third States to cooperate with others and carry out their foreign trade. From the legal point of view, it violated various principles of international law, *inter alia,* non-interference in internal affairs, sovereign equality, freedom of trade, and peaceful settlement of disputes, and presented a serious threat to world peace and security, the fact have been repeatedly reflected in the numerous resolutions of the different organs of the international community, particularly in the resolutions adopted by the UN General Assembly and ECOSOC.

50. The delegate stated that his Government was of the view that such coercive measures had a serious adverse impact on the overall economic, commercial, political, social and cultural life of the targeted countries.

51. The **Delegate from Myanmar** stated that Extraterritorial Application of National Legislations contradicted several norms and principles of contemporary international law. Enumerating the experience of her country she said it had been the target of such laws either in the form of Public Law, Executive Orders or as a law of a State in a country. These laws were intended to stop the sovereign rights of a targeted State from obtaining rights that were legally entitled to it under the Doctrine of Sovereignty. These legislations were imposition of political pressures on it and had been used as a means of achieving policy objectives. Sanctions were blunt weapons and only worsened members of the population of the country against whom they were imposed. Further, she said that sanction was a prohibition or restriction and was inconsistent with Article XI:1 of the GATT. Unilateral sanctions could not be justified under Article XXI (c) “obligations under the United Nations Charter”. Unilateral sanctions were against WTO provisions. It blocked the free flow of international trade and were contrary to the concept and practice of free Trade Area Agreements. She said, Myanmar had not promulgated or applied any law or order that might affect any other country and therefore would like to reiterate that member States “reject promulgation and application of this form of legislation.”

VI. CONSIDERATION OF THE RESOLUTION ON THE "NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA" AT THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY

52. The Plenary Meeting of the United Nations General Assembly on 28 October 2004 for the thirteenth successive year adopted a resolution on the necessity of ending the four-decade-old economic, commercial and financial embargo imposed by the United States against Cuba.[31] Like previous year the consideration of the resolution evoked considerable condemnation by many Member States[32] of the United Nations and by a recorded vote of 179 in favour to four against the Assembly expressed its concern that since its earliest resolution in 1991, further measures had been taken by the United States to strengthen and extend the restrictions, which adversely affected the Cuban people and Cuban nationals living in other countries.

53. In the following paragraphs, excerpts from the statements delivered by the AALCO Member States are reproduced in so far as they pertain to our agenda item:

54. The **Delegate of the People's Republic of China** said that for the past 12 years, the Assembly had adopted resolutions urging all countries to comply with the Charter and the principles enshrined in international legal instruments, and to repeal or invalidate all laws and measures that carried "extraterritorial effect", bearing on the sovereignty of other States, the legitimate rights and interests of peoples or entities under their jurisdiction, and the freedom of trade and navigation. Regrettably, the country concerned continued to act wilfully, obstinately sticking to the wrong position and ignoring the just demands of the international community. That country had repeatedly failed to implement relevant resolutions adopted by the Assembly, he said.

55. The United States, he said, by attempting to use the embargo and sanctions to force another country to give up its independently chosen path to development, and even to overthrow the existing government, had gravely violated the purposes and principles of the Charter, and in effect, mocked the principles of democracy and freedom.

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[31] Details stated herein are drawn from *UN Press Release*, "General Assembly, for Thirteenth Straight Year, Adopts Resolution on Ending United States Embargo Against Cuba", GA/10288 dated 28 October 2004. The Assembly had before it the Report of the Secretary-General on the Necessity of Ending the economic, commercial and financial embargo imposed by the United States of America against Cuba (Part I & II). The Report reproduces the replies of governments and of organs and agencies of the United Nations, that had been received as of 16 July 2004 on the implementation of the resolution adopted last year by the Assembly on the same issue. For details see UN Doc. A/59/302 (Parts I & II).

[32] The delegates of Mexico, China, Malaysia, South Africa, Jamaica (on behalf of the Caribbean Community CARICOM), Viet Nam, Sudan, United Republic of Tanzania, Qatar, Zambia, United States of America, Myanmar, Venezuela, Syria, Lesotho, Indonesia, Namibia, Iran, Belarus, Zimbabwe, Libya, Cuba expressed their countries position on the resolution. While the delegates of the Netherlands (on behalf of European Union), Brazil (on behalf of Southern Common Market MERCOSUR), Japan, Iceland, Australia and Norway spoke after the vote. The Right of reply was exercised by the delegate of Cuba.

56. The **Delegate of Malaysia** said his nation was opposed to all forms of unilateral economic, commercial and financial sanctions and embargoes. The embargo was not only a violation of international law but violated the rights of the Cuban people to life, to well-being and to development.

57. The **Delegate of South Africa** said he viewed the continued imposition of the economic, commercial and financial embargo against Cuba as a violation of the principles of the sovereign equality of States and of non-interference in the domestic affairs of sovereign States. His country was committed to working toward a better world for all, in which nations coexisted peacefully. The achievement of such peaceful coexistence required an adherence by all nations to the rule of law, including international law. The need to respect international law in the conduct of international relations had been recognized by most members of the Assembly, as had been evidenced by the growing support for the resolution.

58. The **Delegate of Sudan** said that just ahead of the sixtieth anniversary of the United Nations, the international community had been repeatedly calling for a return to multilateralism and greater respect for the collective will of nations, and a rejection of punitive unilateral measures like those imposed by the United States against Cuba. It was essential to continue that call. The measuring stick for whether a nation respected human rights should always be its desire to ensure political and social justice, respect for the law and the desire to maintain peace. It should not be based on the views of one nation. He recalled that the Sudan also suffered under an economic embargo and sanctions imposed by the United States in 1997, which had been renewed each year since. Those restrictions had been put in place solely to put political pressure on the Sudanese Government, in flagrant violation of the Charter. As a matter of principle, the Sudan rejected the embargo.

59. The **Delegate of United Republic of Tanzania** reaffirmed his support for the necessity of ending the embargo imposed by the United States against Cuba. The imposition of the four-decades-old embargo was not only a serious violation of the fundamental principles of the Charter and international law, but also of the freedom of international trade. The situation had been made worse by the passing of the Torricelli and Helms-Burton Acts, which sought to isolate Cuba from international trade, crippling its economy with severe consequences. The extraterritorial aspect of the embargo had exacerbated the accumulated damage to the economy by disrupting trade relations between Cuba and third party nations.

60. The **Delegate of Qatar**, speaking on behalf of the "Group of 77" developing countries and China, called for an immediate end to the embargo against Cuba. In that regard, he reiterated the call made at the South Summit for the elimination of laws with adverse extraterritorial effect, and the concern expressed with the impact of economic sanctions on the civilian population and development capacity. If necessary, those sanctions must be imposed only in strict conformity with the Charter, with clear objectives, a clear time frame, a provision for regular review and precise conditions for their lifting, and never be used as a form of punishment.

61. The **Delegate of Myanmar** said that both as a matter of principle and also as a country affected by unilateral sanction of the United States, Myanmar fully sympathized with the Cuban people and understood the extent of the hardship and suffering caused by the embargo on the people of Cuba, particularly women and children. The will of the international community was clearly expressed yearly by the adoption, with overwhelming majority, of the resolution calling for an end to the embargo. Regrettably, the United States had not responded to the call and had tightened measures against Cuba. Myanmar shared the view that the embargo did not serve any purpose and did not benefit either country or peoples. He believed that it was the inalienable right of all States to choose their own political and economic systems, based on the wishes of the people. The embargo against Cuba by the United States not only contravened the provisions of the United Nations Charter but was also contrary to international law. His delegation particularly found objectionable extraterritorial measures that infringed on the sovereign rights of other States. In a globalized world, it would be counterproductive to set artificial barriers between countries, because it would not be conducive to achieving better understanding among peoples of the world. Myanmar firmly believed that only through dialogue and cooperation could countries nurture good neighbourly relations, assure peace and stability, and promote common interests.

62. The **Delegate of Syria** said that all members of the United Nations should respect the principle of non-interference in the internal affairs of other countries. The embargo imposed on Cuba had subjected it to all forms of economic, social and political losses, and had also impacted the Cuban people's intensive efforts to achieve prosperity. The increasing support of the international community for the need to end the embargo, he continued, was an affirmation of the need to respect the political, economic and social system that every country selected of its own will and in light of its national interests. The international community had frequently stated that it rejected the sanctions imposed on Cuba, and such sanctions were incompatible with the principles of the sovereign equality of States and of international laws.

63. The **Delegate of Indonesia** said the extraterritorial aspects of the embargo impinged on the sovereignty of other Member States and were contrary to the spirit of the Charter. Indonesia recognized the principles of the sovereignty and equality of States, as well as non-interference in the affairs of other nations and their freedom to trade. Those principles, which were in many international legal instruments, were not being upheld.

64. The **Delegate of Islamic Republic of Iran** said that unilateral economic measures as a means of political and economic coercion against developing countries went against the United Nations Charter, and against promoting cooperation and friendly relations among countries and nations. Such measures contradicted all laws and principles in the fields of global trade and economic interaction among countries. The use of unilateral measures as a means of political and economic coercion against developing countries had been condemned by such United Nations components as the Assembly and the Economic and Social Council, and the international community should become more vocal about repealing them.

65. Embargoes impeded the full achievement of economic and social development by the population of the affected country, in particular children and women, he said. They also hindered the full enjoyment of human rights, including the right to food, medical care and social services, among other things. It was an established fact that unilateral coercive measures jeopardized the economic interests of targeted countries. Member States needed to consolidate endeavours toward the creation and strengthening of a conducive economic environment capable of providing equal opportunities to all countries. States should also consider ways and means for compensating losses of targeted countries.

66. The **Delegate of Libya** said that the imposition of unilateral punitive sanctions often led to severe consequences, violated international human rights standards and contravened international economic norms. The international community had maintained its resolute rejection of unilateral punitive measures and the continuation of such practices only entrenched the causes of tension and conflict among peoples and nations with common interests.

67. The **Delegate of Japan** said he shared the concern of others about the continued imposition of the Helms-Burton Act and its effects on Cuba's socio-economic development. While he supported the resolution, he had some questions about whether the Assembly was the most suitable forum in which the issue should be addressed. He believed that both countries should strive to open a dialogue on the matter and come to a peaceful negotiated settlement.

VII. SECRETARIAT COMMENTS AND OBSERVATIONS

68. The Secretariat Report on the agenda item of the "Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties" primarily focuses upon the sanctions imposed by one nation against another and the effect of those sanctions upon Third Parties (secondary boycott). Since the issue of sanctions imposed by regional organizations, namely the European Union arms embargo against the People's Republic of China[33] and the imposition of sanctions against Togo by the Economic Community of West African States (ECOWAS)[34] has been not been pertinent to the secondary boycott, therefore these issues have not been taken up in the Secretariat Report.

69. It is distressing to note that the target of sanctions imposed by the United States of America happen to be developing countries, from Asia and Africa. Many of our Member States have been and are targets of such unilateral imposition of sanctions having extraterritorial effects. These practices tend to have a very demoralizing effect on the innocent people of those countries who feel alienated and discriminated against in the fields of trade and economic relations particularly.

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[33] In the month of December 2004, following the visit of Chinese Premier to the Netherlands, it was reported that the European Union was willing to work towards lifting the arms embargo on the People's Republic of China. The Chinese Government had described the imposition of the arms embargo as a "political discrimination" and had called it "not acceptable" and therefore asked for its immediate removal. The arms embargo was imposed on China by the European Union in 1989. However, this move of the European Union is not acceptable to the United States of America. It is pressuring its European allies such as Germany and Britain to stop the EU from lifting the arms embargo. The American President Mr. George Bush during the course of his European tour, while addressing a Press Conference alongwith NATO Secretary-General, on 22 February 2005 said that there were "deep concerns" in the United States that lifting the European Union's arms embargo against China would change the balance of relations between China and Taiwan. He also said that lifting the ban would allow the transfer of critical military technology to the Chinese that would "change the balance of relations between China and Taiwan and that's of concern". This US stance has become a cause of an open disagreement between the European Union and USA. Details stated in this footnote are drawn from: "EU Working Towards Lifting Arms Ban on China", *News from China* (published by the Embassy of the People's Republic of China in New Delhi), vol. XVI, no. 12 (December, 2004) pp. 4-5, also available on URL: http://www.chinaview.cn dated 9 December 2004; Hasan Suroor, "U.S. frowns on E. U. move to lift arms embargo against China", *The Hindu* (New Delhi), 16 January 2005, p. 12; and Elisabeth Bumiller, "Bush says Europe should Not Lift Its China Arms Embargo", New York Times, 23 February 2005, available on URL: http://www.nytimes.com/2005/02/23/international/europe/23presy.html?th

[34] The Chairman of the Economic Community of West African States (ECOWAS) President Mamadou Tandja of Niger recently announced a number of sanctions against the new government in Togo headed by Faure Gnassingne, who following the death of his father, the late President Gnassingbe Eyadema, got the Constitution amended to take over power. The sanctions imposed include the suspension of Togo's participation in the activities of ECOWAS, travel ban on the country's leaders, recall of ECOWAS Ambassadors in Togo and arms embargo on the country. The imposition of these sanctions followed the inability of the new government in Togo to comply with the February 9, 2005 deadline by ECOWAS Heads of State and Government after their Niamey Summit that Faure return the country to constitutionality. Details stated herein are drawn from George Oji, "Ecowas Imposes Sanctions on Togo", allAfrica.com 21 February 2005, available on URL: http://allafrica.com/stories/printable/200502220175.html and "W Africa puts sanctions on Togo", BBC News dated 19 February 2005 available on URL: http://news.bbc.co.uk/pr/fr/-1/hi/world/africa/4279763.

70. Today, in an increasingly interdependent world, with close to 200 sovereign States as members of the international society, the effects of globalization and liberalization dictate the course of economic relations among States. The imposition of unilateral sanctions and secondary boycotts that affect nationals of third States are seen a retrograde step retarding the economic progress of the sanctioning, as well as the target State.

71. Extraterritorial measures, besides being infirm in law are also bad as an instrument of foreign policy. Unlike multilateral sanctions enforced by the Security Council, extraterritorial measures are inherently ineffective in a global society as target States often are able to find new investors and entities, other than those from the sanctioning State, to carry out their business activities.

72. It may also be stated that extraterritorial application of national legislation having effects on third Parties, poses a serious challenge to the efforts of the international community to establish an equitable multilateral, non-discriminatory, rule based trading system and question the very basis of the primacy of international law. It is imperative that all States must reject promulgation and application of this form of dubious legislation.

73. AALCO as an inter-governmental organization has been seriously studying the implications of the "Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties", since 1997. The Secretariat studies on the agenda item and the deliberations at successive sessions of the Organization affirm that such legislations apart from being at variance with the various rules and principles of international law and disrupts economic cooperation and commercial relations of the target states with other states. Therefore, it is the duty of free and independent states to continue to oppose the illegal extra-territorial application of national legislations of other states.