

## **9. NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA**

### **I. INTRODUCTION**

1. The issues concerning economic sanctions imposed by the United States of America have been on the agenda of the United Nations General Assembly and other international organizations for more than two decades. The agenda was conceived from various international principles and rules on several international instruments. The UN General Assembly at its forty-seventh session introduced the agenda item, “Necessity of Ending the Economic, Commercial and Financial Embargo Imposed by the United States of America against Cuba”.<sup>1</sup> The resolution concerned about the promulgation and application by Member States of laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of navigation and trade. The agenda item was subsequently considered at various sessions of the UN General Assembly.<sup>2</sup>

2. Keeping in view of the importance of the agenda item and based on the reference made by the Islamic Republic of Iran in 1997, Asian-African Legal Consultative Organization (AALCO) had included in its agenda the topic, “Extraterritorial Application of National Legislation: Sanctions Imposed against Third Parties” and being deliberated in its annual sessions regularly.

3. The present report intends to provide a brief account of recent initiatives and major developments at the international level, viz., UN General Assembly, AALCO annual session deliberations, Ministerial Declaration of Group of 77 and People’s Republic of China, and reports which were submitted by the Secretary-General to the UN agencies.

### **II. CONSIDERATION OF THE AGENDA ITEM “NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA” AT THE SIXTY-SECOND SESSION OF UNITED NATIONS GENERAL ASSEMBLY**

4. On 16 November 2007, the General Assembly voted overwhelmingly in favour of ending the 45-year-old United States trade embargo against Cuba, marking the sixteenth year in a row that the 192-Member body has urged the lifting of the stiff sanctions

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<sup>1</sup> A/RES/47/19 dated 17 March 1993.

<sup>2</sup> Resolutions 48/16 of 3 November 1993, 49/9 of 26 October 1994, 50/10 of 2 November 1995, 51/17 of 12 November 1996, 52/10 of 5 November 1997, 53/4 of 14 October 1998, 54/21 of 9 November 1999, 55/20 of 9 November 2000, 56/9 of 27 November 2001, 57/11 of 12 November 2002, 58/7 of 4 November 2003, 59/11 of 28 October 2004, 60/12 of 8 November 2005, 61/11 of 8 November 2006 and 62/3 of 16 November 2007.

imposed on the Caribbean island in 1962.<sup>3</sup> The draft resolution was submitted by Cuba and it was adopted by a recorded vote of 184 in favour to 4 against with 1 abstention.

5. The Assembly adopted the resolution expressing its concern that further measures aimed at strengthening and extending the embargo continued to be applied, with “adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries”.

6. Further, the resolution urged to put an end to the trade embargo on Cuba, which, among other things, called on all States to refrain from promulgating laws in breach of freedom of trade and navigation, and urged Governments that had such laws and measures to repeal, or invalidate them. It also requested the Secretary-General to report on the text’s implementation at the Assembly’s next session.<sup>4</sup>

### **III. CONSIDERATION OF THE AGENDA ITEM, “EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES” AT THE FORTY-SEVENTH ANNUAL SESSION OF AALCO HELD IN NEW DELHI, 2008**

7. The forty-seventh annual session of AALCO was held in New Delhi from 30 June-4 July 2008. During the deliberations of the agenda item, the Deputy Secretary-General (DSG) of AALCO stated that some of the important conclusions reached on the basis of the discussions at the successive annual sessions of the AALCO were: first, extraterritorial measures or the promulgation of the domestic laws having extraterritorial effects with the imposition of unilateral attributions and objectives, namely, secondary boycotts are violation to the sovereign rights and economic interests of a State; second, they violate the core principles of territorial sovereignty, as well as political integrity of other States and principles of non-interference in internal affairs of other countries which has been enshrined and shall be rejected in the Charter of the United Nations; and third, that they make a major constraint in the way of trade and economic cooperation between States.

8. The DSG also strongly condemned the recent additional and new sanctions imposed against the AALCO Member States, Myanmar, Islamic Republic of Iran, Syrian Arab Republic and the Republic of Sudan on baseless grounds by the United States of America. Further, he stressed that all the Member States not to recognize and reject the promulgation and application of unilateral extraterritorial coercive economic measures imposed by any State against any third parties.

9. The delegations from the Islamic Republic of Iran, the Republic of Indonesia, Malaysia, the People’s Republic of China, the Democratic People’s Republic of Korea, Japan, Myanmar and South Africa presented their views on the topic. All the delegates

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<sup>3</sup> UN Press Release, “General Assembly Overwhelmingly Calls for End to United States Embargo of Cuba: Foreign Minister Calls Blockade, Ruthless Half-Century Economic War”, GA/10649 dated 30 October 2007.

<sup>4</sup> A/RES/62/3 dated 16 November 2007.

highlighted the unilateral sanctions and extraterritorial measures against other countries were not admissible under international law. They also noted that it violated the basic principles of international law, *inter alia*, non-interference in internal affairs, sovereign equality, freedom of trade, peaceful settlement of disputes, and was inconsistent with the various World Trade Organization Agreements. One delegation expressed that extraterritorial measures were used as a tool by the developed countries to put political or economic pressure against developing countries. Another delegation emphasized that humanitarian hardships of innocent civilians caused by unilateral targeted sanctions, by executive orders or otherwise should not be forgotten.

10. One delegation stated that international conflicts could be resolved through dialogue and cooperation, and they opposed all forms of hegemony and power politics and any move of imposing sanctions against others by abusing domestic legislation.

11. The delegation of the Democratic People's Republic of Korea was of the view that AALCO Member States should look at the nature and consequences of the issue in a more and deeper legal perspective and join efforts in finding out a way that could practically prevent those acts of extraterritorial application of national legislation by instituting a legal mechanism that question the accountability and cared for the compensation of affected parties and countries. The delegation of Myanmar proposed the Secretariat to continue the study, not only in the area of international law, but also with the constitutional approach for consideration of this topic at its Forty-Eighth Session.

### **III. CONSIDERATION OF THE MINISTERIAL DECLARATION ADOPTED BY THE GROUP OF 77 AND THE PEOPLE'S REPUBLIC OF CHINA IN 2005 AND 2007 ON THE AGENDA ITEM**

12. The Heads of State and Government of the Group of 77 and the People's Republic of China at the second South Summit, held in Qatar in June 2005, condemned the use of economic coercive measures designed to prevent countries from exercising their right to decide their own political, economic and social systems and called on all countries not to recognize unilateral extraterritorial laws that impose sanctions on other States and foreign companies. The heads of State and Government also recognized that the embargo had caused a high degree of economic and financial damage and had negatively impacted on the welfare and well-being of the people of Cuba. They called upon the Government of the United States to put an end to the embargo, in addition to being unilateral and contrary to the UN Charter and international law, and to the principle of neighborliness, causes huge material loses and economic damage to the people of Cuba.<sup>5</sup>

13. They also expressed their deep concern over the economic and social impact against the Syrian people of unilateral sanctions against Syria and called upon the United States to null and void the so-called "Syria Accountability Act", and to resort to dialogue between the two countries based on respect and mutual interest for the best of the two nations and their peoples.

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<sup>5</sup> G-77/SS/2005/1, Doha Declaration, Second South Summit, Doha, Qatar, 12-16 June 2005.

14. More recently, at the thirty-first Annual Ministerial Meeting of the Group of 77 and the People's Republic of China, held in New York on 27 September 2007, the Ministerial Declaration once again firmly rejected the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries. The Declaration reiterated the urgent need to eliminate them immediately. It emphasized that such actions not only undermine the principles enshrined in the Charter of the United Nations and international law, but also severely threaten the freedom of trade and investment. They therefore called on the international community to neither recognize those measures nor apply them. The G-77 and People's Republic of China stood firm in rejecting unilateral measures as a means of exerting pressure on developing countries.

15. It was stated that the G-77 and the People's Republic of China is committed to working towards a better world for all in which nations large or small can coexist peacefully. The achievement of such peaceful coexistence among nations requires an adherence by all nations to the rule of law, including international law.

16. Further, it was emphasized that in conformity with the fundamental norms of international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, the G-77 and People's Republic of China supports the need to eliminate coercive economic measures as a means of political and economic coercion.

17. In its statement on behalf of the Group of 77 and People's Republic of China at the Plenary of the Sixty-Second Session of UN General Assembly<sup>6</sup>, it was stated that the continued imposition of an economic, commercial and financial embargo against Cuba violates the principles of the sovereign equality of States and of non-intervention and non-interference in other States' domestic affairs, as well as international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States.

#### **IV. CONSIDERATION OF THE REPORT OF THE UNITED NATIONS SECRETARY-GENERAL ON THE AGENDA ITEM AT THE UN GENERAL ASSEMBLY AT ITS SIXTY-SECOND SESSION**

18. In its resolution 61/11, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", the General Assembly requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law and to submit it to the Assembly at its sixty-second session.

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<sup>6</sup> A/62/PV.38 dated 30 October 2007.

19. Pursuant to that request by the UN Secretary-General, 34 AALCO Member States have replied and the following are the summary of their replies.<sup>7</sup>

### **Bangladesh**

Bangladesh has neither promulgated any law nor adopted any measure of the kind referred to in the preamble of resolution 61/11. Thus, Bangladesh conforms to the provisions of the above-mentioned resolution.

### **Botswana**

1. The Republic of Botswana has never and does not intend to promulgate, apply or enforce any law or measures of the kind referred to in resolution 61/11. As reflected by its vote on resolution 61/11 and similar resolutions, Botswana is consistently opposed to the continued application of such extraterritorial measures.

2. The Republic of Botswana strongly supports the immediate lifting of the economic, commercial and financial blockade against Cuba, which has negative consequences and damaging effects for the Cuban people, especially the most vulnerable: children, women and the elderly.

### **Cameroon**

1. The Government of Cameroon is deeply committed to respect for the Charter of the United Nations. In conformity with the principles of the sovereign equality of States, non-intervention in their internal affairs and freedom of trade, which are embodied in a large number of international legal instruments, it has never adopted any legislative or other measures aimed at strengthening or extending the embargo imposed against Cuba.

2. The Ministry of Foreign Affairs notes that Cameroon has always voted in favour of lifting the embargo and states that it has always maintained excellent relations of friendship and cooperation with Cuba.

### **People's Republic of China**

1. Sovereign equality, non-interference in other countries' internal affairs and other relevant norms governing international relations should be duly respected. Every country has the right to choose, according to its national circumstances, its own social system and mode of development, which brooks no interference by any other country.

2. The differences and problems that exist among countries should be resolved through peaceful dialogue and negotiation on the basis of equality and mutual respect for sovereignty. The economic, commercial and financial embargo imposed by the United States on Cuba, which has lasted for too long, serves no other purpose than to keep high tensions between two neighbouring countries and inflict tremendous hardship and suffering on the people of Cuba, especially women and children. The embargo, which remains unlifted, has seriously jeopardized the legitimate rights and interests of Cuba and other States as well as the freedom of trade and navigation and should, in accordance with the purposes and principles of the Charter of the United Nations and relevant resolutions of the United Nations, be put to an end.

### **Democratic People's Republic of Korea**

1. It is a consistent position of the Government of the Democratic People's Republic of Korea to oppose all kinds of sanctions including economic, commercial and financial embargoes on sovereign States.

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<sup>7</sup> A/62/92 and A/62/92/Add.1 dated 3 August 2007 and 17 October 2007.

2. The unilateral and extraterritorial embargo imposed by the United States against Cuba should be terminated without delay, since it is an obvious infringement of sovereignty violating principles and standards of the Charter of the United Nations and international laws.

3. The Government of the Democratic People's Republic of Korea invariably supports the efforts of the Government of Cuba and its people to end the embargo by the United States and will continue to develop economic and trade relations with Cuba in the future.

### **Arab Republic of Egypt**

Egypt's consistent view is that the unilateral sanctions outside the United Nations framework are not a course of action that Egypt can condone.

### **Gambia**

1. The Gambia has not promulgated or applied any laws, measures or acts which have extraterritorial effects on the sovereignty of other Member States, the legitimate interests of entities or persons under their jurisdiction or the freedom of trade and navigation.

2. We continue to be opposed to the enactment or application of such laws or measures against Cuba, which impede the free and smooth flow of international trade and navigation.

3. As a responsible member of the international community, the Gambia therefore joins other Member States in calling for the immediate repeal or invalidation of such laws, measures or policies as they are contrary to the purposes and principles of the Charter of the United Nations and international law.

### **Ghana**

Consistent with its respect for and commitment to the Charter of the United Nations and international law, the Republic of Ghana supports the purposes and principles of General Assembly resolution 61/11, including paragraphs 2, 3 and 4. Ghana has therefore neither promulgated nor sought to apply any laws or measures the extraterritorial effects of which affect the sovereignty of other States. Indeed, in the specific case of Cuba, Ghana maintains active bilateral cooperation, mainly in the educational and medical fields.

### **India**

1. India has not promulgated or applied any laws of the type referred to in the preamble of resolution 61/11. Thus, the necessity of repealing or invalidating any such laws or measures does not arise.

2. India has consistently opposed any unilateral measure by countries that impinge on the sovereignty of another country. These include any attempt to extend the application of a country's laws extraterritorially to other sovereign nations.

3. India recalls the Final Document adopted by the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Kuala Lumpur in February 2003, on this subject and urges the international community to adopt all necessary measures to protect the sovereign rights of all countries.

### **Indonesia**

1. As enshrined in the Constitution of 1945, the Government of the Republic of Indonesia is mandated to uphold the principles of justice, equality and peace. Consequently, Indonesia has not promulgated or agreed to the application of any unilateral and extraterritorial economic and trade measures that contradict the

Charter of the United Nations and are against international law. The principles of non-intervention in countries' internal affairs and freedom of international trade and navigation must also be respected and upheld. Moreover, the application of an economic and trade embargo will produce negative effects on the economic and social life of innocent people, especially women and children. These measures also constitute a major impediment to the full enjoyment of the right to development by a sovereign State and its people. They are a violation of human rights, considering that the right to development is a basic human right of equal importance with civil, political, economic, social and cultural rights.

2. Such a policy is not in line with the spirit of global partnership for development as set out in the Millennium Declaration, the Monterrey Consensus and the Johannesburg Plan of Implementation. In fact, at the World Summit in September 2005 our leaders strongly reiterated their determination to ensure the timely and full realization of the development goals and objectives, including the Millennium Development Goals, to eradicate poverty. Indonesia's position is in keeping with these expressions of global solidarity.

3. Indonesia therefore urges an end to the economic, commercial and financial embargo against Cuba and calls on all countries to adhere to the principles of equality, mutual respect, good neighbourliness and respect for human rights.

### **Islamic Republic of Iran**

1. The Government of the Islamic Republic of Iran believes that the economic, commercial and financial embargo against Cuba runs counter to the principles of international law governing relations among States and contradicts the letter and spirit of the Charter of the United Nations, which call for promoting solidarity, cooperation and friendly relations among nations. Such measures have adverse impacts on the living conditions and human rights of the Cuban people and will hamper the efforts of the Cuban Government to achieve Millennium Development Goals, including the eradication of poverty and promoting health and education, which are indispensable means for economic and social development.

2. The adoption of the relevant resolutions for so many years clearly indicates the strong objection of the international community to unilateral economic coercive measures in general, and the economic, commercial and financial embargo imposed by the Government of the United States against Cuba in particular.

3. The Islamic Republic of Iran, which has long been experiencing economic coercive measures, shares the concern of the Cuban people and Government and therefore emphasizes the urgent need for putting an end to such measures and the full implementation of General Assembly resolution 61/11.

### **Japan**

1. The Government of Japan has not promulgated or applied laws or measures of the kind that are referred to in paragraph 2 of General Assembly resolution 61/11.

2. The Government of Japan believes that the economic policy of the United States towards Cuba should be considered primarily as a bilateral issue. However, Japan shares the concern, arising from the Cuban Liberty and Democratic Solidarity Act of 1996 (known as the Helms-Burton Act) and the Cuban Democracy Act of 1992, that, if application of such legislation causes undue hardship in relation to the economic activities of the enterprises or nationals of a third country, the legislation is likely to run counter to international law regarding the extraterritorial application of domestic laws.

3. The Government of Japan has been closely following the situation in relation to the above-mentioned legislation and the surrounding circumstances, and its concern remains unchanged. Having considered the matter with the utmost care, Japan voted in favour of resolution 61/11.

## **Republic of Kenya**

The Government of Kenya reaffirms its objection to unilateral coercive measures directed at a State Member of the United Nations which are at variance with the Charter of the United Nations and international law. The implementation of unilateral trade measures against Cuba adversely affects the social and economic well-being of the people of Cuba and, because of its extraterritoriality, the citizens of other countries. The majority of the members of the United Nations and other organizations including the Movement of Non-Aligned Countries have all called for an end to the economic, commercial and financial embargo against Cuba. Kenya believes in and upholds the principle of maintaining friendly relations, including commerce, among nations for the promotion of peace and security as indispensable ingredients for the social and economic advancement for all people.

## **Lebanon**

The Government of Lebanon fully complies with General Assembly resolution 61/11 concerning the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, in accordance with the principles of the United Nations and international law.

## **Libyan Arab Jamahiriya**

1. The Libyan Arab Jamahiriya affirms once again its strong opposition to unilateral measures imposed on States for political purposes and emphasizes that such behaviour, far from helping to solve differences between States, renders them more complicated.
2. The Libyan Arab Jamahiriya has continually expressed its commitment to the Charter of the United Nations and the principles of international law and has neither promulgated nor applied any laws of the kind referred to in operative paragraphs 2 and 3 of General Assembly resolution 61/11. It has in fact itself in the past been the victim of coercive measures of that nature.
3. The Libyan Arab Jamahiriya expresses its deep concern over the continued application by certain States of unilateral extraterritorial coercive economic measures, inasmuch as such measures constitute flagrant violations of the principles of international law.
4. The Libyan Arab Jamahiriya voted in favour of resolution 61/11 by way of reaffirmation of its position of opposition to the economic, commercial and financial embargo imposed against Cuba. It calls on States to resolve their differences by peaceful means and to shun unilateral coercive measures, which are in contravention of the principles of the Charter of the United Nations, constitute a violation of human rights and impede development efforts, which represent one of the lofty objectives of the United Nations.

## **Malaysia**

1. Malaysia is against the unilateral imposition of economic, commercial and financial embargoes. This position is consistent with the provisions of international law as well as the purposes and principles enshrined in the Charter of the United Nations. Malaysia believes that the imposition of unilateral economic, commercial and financial embargoes is particularly harmful, as they constitute a form of collective punishment of the people of the country upon which the embargo is imposed. Such acts should therefore be revoked.
2. The aforementioned position has also been endorsed in many organizations and forums, including the Non-Aligned Movement (NAM), of which Malaysia is a member. Paragraph 185 of the Final Document adopted by the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Havana on 15 and 16 September 2006, inter alia: (a) Called on the Government of the United States of America to put an end to the economic, commercial and financial embargo against Cuba, which, in addition to being unilateral and contrary to the Charter and international law, and to the principle of neighbourliness,



is causing huge material losses and economic damage for the people of Cuba, and urged strict compliance with resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9, 57/11, 58/7, 59/11 and 60/12 of the General Assembly; (b) Expressed deep concern over the widening of the extraterritorial nature of the embargo against Cuba and rejected the reinforcement of measures adopted by the United States Government, aimed at tightening the embargo, as well as other measures carried out by the Government of the United States against the people of Cuba.

3. Further, paragraph 15.4 of the Final Document of the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, held in Putrajaya, Malaysia, from 27 to 30 May 2006, stated that the Movement resolves to refrain from recognizing, adopting or implementing extraterritorial or unilateral coercive measures or laws, including unilateral economic sanctions, other intimidating measures and arbitrary travel restrictions, that seek to exert pressure on non-aligned countries — threatening their sovereignty, independence and freedom of trade and investment — and prevent them from exercising their right to decide by their own free will their political, economic and social systems, where they constitute flagrant violations of the Charter, international law, the multilateral trading system and the norms and principles governing friendly relations among States; and in this regard, oppose and condemn these measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise, as called for by the General Assembly and other United Nations organs; and request States applying these measures or laws to revoke them fully and immediately.

4. Malaysia continues to believe in the importance of maintaining friendly relations among nations, as the primary means of promoting a peaceful and prosperous international system.

## **Mauritius**

The Government of Mauritius has not promulgated or applied any laws or measures of the kind referred to in the preamble of resolution 61/11.

## **Myanmar**

1. Myanmar supports General Assembly resolution 61/11 and joins the call by the international community for the United States to bring an end to the economic, commercial and financial embargo imposed on Cuba.

2. The Union of Myanmar strongly believes that the promulgation and application by Member States of laws and regulations, the extraterritorial effects of which affect the sovereignty of other States, the legitimate interest of entities or persons under their jurisdiction and the freedom of trade and navigation violate both the spirit and letter of the Charter of the United Nations and the universally adopted principles of international law. Hence, Myanmar opposes all forms of economic and financial sanctions and embargoes that contradict the norms of international law.

3. The economic, commercial and financial embargo imposed by the United States on Cuba adversely affects its economy, causes undue suffering and hardship to the Cuban people and negatively impinges on third parties. Myanmar also believes that these measures will not promote peace and stability in the region. In this regard, Myanmar strongly opposes the measures imposed by the United States and joins the international community in bringing an end to these measures.

4. Having such a view, the Union of Myanmar has not promulgated any laws or regulations of the kind that are against the freedom of trade and international navigation.

## **Nigeria**

The Federal Government of Nigeria maintains friendly relations with all States and does not favour unilateral measures to settle political disputes. In this connection, the Federal Government reiterates its support for ending the embargo against Cuba.

## **Sultanate of Oman**

The Sultanate of Oman affirms its full commitment to the Charter of the United Nations and the principles of the international law, including the principles established by the World Trade Organization.

## **Pakistan**

Pakistan is fully in observance of resolution 61/11.

## **State of Qatar**

1. Qatar neither promulgates any laws or regulations that have effects extending beyond its geographic borders or affect the sovereignty of other States, the legitimate interests of entities or persons within its territorial boundaries or the freedom of international trade and navigation, nor has it adopted any other measures contradictory to General Assembly resolution 61/11.

2. Moreover, Qatar follows a policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations, in particular the principles of sovereign equality of States and non-interference in their internal affairs, and its Government rejects the use of economic measures as a means of achieving political goals. In its relations with other countries it abides by the fundamental principles of the Charter of the United Nations and the rules of international law.

## **Senegal**

Concerning the implementation of General Assembly resolution 61/11, the Government of Senegal has neither promulgated nor applied laws or measures of the kind referred to in the preamble to the said resolution.

## **Sierra Leone**

1. Consistent with its obligations under the Charter of the United Nations and international law, Sierra Leone has neither promulgated nor applied any laws or measures of the kind referred to in the preamble of resolution 61/11.

2. Sierra Leone supported the resolution and is convinced that the lifting of discriminatory trade practices and extraterritorial application of domestic laws would not only help to alleviate the socio-economic condition of the Cuban people, but also promote dialogue, good-neighbourliness and cooperation among States.

## **Somalia**

The Republic of Somalia reaffirms its objection to any unilateral coercive measures at variance with the Charter of the United Nations and international law, while emphasizing its strong support for the principles of freedom of international trade and navigation. The Transitional Federal Government of the Republic of Somalia has never promulgated any law or measure that would restrict the freedom of international trade and navigation.

## **South Africa**

1. South Africa has repeatedly joined the vast majority of countries in expressing its disagreement with and opposition to all aspects of the economic, commercial and financial embargo imposed by the United States of America against Cuba. South Africa views the continued imposition of this embargo as a flagrant violation of the principle of the sovereign equality of States and non-intervention and non-interference in

one another's domestic affairs. The vigour with which the international community reacted to this embargo in 2006, condemning it by a record vote of 183 to 4, is a clear indication that the time has come for it to be lifted, thereby ending the untold suffering of the Cuban civilian population, which is bearing the brunt of that injustice.

2. Cuba's outstanding work in the areas of health, education and biotechnology, in Africa and the underdeveloped world in particular, and the world in general, is recognized by the international community. The embargo stifles this outstanding contribution to economic and social development, as well as the betterment of the lives of the poor.

3. South Africa and Cuba have maintained long-standing relations, which are continuing to expand through increased cooperation on a wide range of issues, including economic, commercial and financial collaboration. The role that Cuba had played in South Africa's liberation history was duly recognized in December 2006, when the names of Cuban heroes who contributed to that struggle were inscribed on the Wall of Remembrance at Freedom Park in Pretoria, a heritage precinct telling South Africa's history in a visual and interactive way.

4. Cuba will host the fifth annual joint consultative mechanism meeting between the two countries in July 2007, while South Africa will host the fifth session of the Joint Bilateral Commission in November 2007. Through these two cooperative mechanisms, the Governments of South Africa and Cuba strive to expand their already sound relations in various areas of cooperation. Cuba, through the bilateral cooperation projects within the context of the Joint Bilateral Commission, is greatly assisting South Africa in addressing its skills shortage problems through the provision of professional workers and trainers in a myriad of identified areas. In addition, several high-level delegations, led by ministers, deputy ministers and directors-general, have been exchanged during the past year with a view to further strengthening their bilateral relations.

5. In the multilateral sphere, South Africa and Cuba continue to cooperate within various organizations and share complementary views on many issues, such as the reform of the United Nations and the promotion of the agenda of the South. South Africa has given its full support to Cuba as Chair of the Non-Aligned Movement and will continue to cooperate with Cuba in this and other international organizations.

## **Sri Lanka**

1. Sri Lanka does not approve of the use of unilateral coercive economic measures against any country that are inconsistent with the principles of the Charter of the United Nations and international law and that will impede the free flow and transparency of international trade.

2. Sri Lanka has not promulgated any laws or measures referred to in the preamble to General Assembly resolution 61/11. Sri Lanka has voted in favour of the General Assembly resolutions on the necessity of ending the economic, commercial and financial embargo imposed by the United States against Cuba.

## **Sudan**

1. The Government of the Sudan wishes to stress that General Assembly resolution 61/11 was a very important resolution which the Sudan fully supported, while calling for an end to the economic, commercial and financial blockade imposed by the United States against Cuba in its statement before the General Assembly.

2. The Sudan is increasingly promoting its bilateral relations with the Republic of Cuba. In this regard, the Joint Ministerial Commission between the Sudan and Cuba will be convened from 29 May to 1 June 2007 in Havana, and Sudan's delegation will be headed by the Minister of International Cooperation and other high-ranking officials. The Joint Ministerial Commission is the mechanism embodying all sectors of cooperation between the two countries. As a means of fostering bilateral ties and combating the negative

effects of the embargo, the Joint Ministerial Commission is expected to enhance and consolidate relations between the Sudan and Cuba in all fields.

## **Syrian Arab Republic**

1. Proceeding from its position of principle with respect to the economic, commercial and financial embargo imposed by the United States of America against Cuba, the Syrian Arab Republic voted in favour of General Assembly resolution 61/11, which emphasizes the need for compliance with the purposes and principles of the Charter of the United Nations and reaffirms the principles of the sovereign equality of States, non-intervention in their internal affairs and freedom of international trade and navigation. In the resolution, the Assembly also calls upon States to take the necessary measures to put an end as soon as possible to the economic, commercial and financial embargo imposed against Cuba for more than three decades. In this regard, the Syrian Arab Republic recalls the communiqué of the Heads of State or Government of Non-Aligned Countries at their Conference held in Havana on 15 and 16 September 2006, in which they called upon the United States to put an end to the embargo against Cuba, which in addition to being unilateral and contrary to the Charter, international law and the principle of neighbourliness, is causing huge material losses and economic damage for the people of Cuba.

2. The Heads of State or Government once again urged strict compliance with the relevant resolutions of the General Assembly, and expressed deep concern over the widening of the extraterritorial nature of the embargo against Cuba and over continuous new legislative measures geared to intensify it.

3. We also refer to the Declaration adopted by the South Summit of the Group of 77 and China, held in Doha, in which the participants categorically rejected laws and regulations with extraterritorial impact and all other forms of coercive economic measures, and expressed grave concern over the impact of economic sanctions on the development capacity of the targeted countries. The Summit also adopted a special appeal from all the leaders of the developing countries for the immediate lifting of this embargo, given that it is causing the Cuban people enormous material losses and inflicting huge economic damage, in addition to being a unilateral measure and in contravention of the Charter, international law and the principle of good-neighbourliness.

4. The international community has frequently stated that it rejects the maintenance of the sanctions unilaterally imposed on Cuba and the Helms-Burton Act, which exceeds the jurisdiction of national legislation and encroaches on the sovereignty of other States that deal with Cuba. This is incompatible with the principle of the sovereign equality of States. Experience has shown that, for the most part, sanctions regimes have caused enormous material damage and major economic losses for the civilian inhabitants of the countries targeted.

5. Accordingly, the Syrian Arab Republic calls for an end to the economic, commercial and financial embargo imposed by the United States of America against Cuba. This would help to create a positive climate in international relations and enhance the role of international legitimacy in safeguarding the principle of the sovereign equality of States.

## **Thailand**

1. In principle, Thailand does not support the imposition by one country of its national law on another country which, in effect, compels a third country to comply. In Thailand's view, such an act would be contrary to the basic principles of international law as well as the Charter of the United Nations.

2. Thailand has maintained no legal provisions or domestic measures of such nature.

## **Turkey**

1. The Republic of Turkey does not have any laws or measures of the kind referred to in the preamble to General Assembly resolution 61/11, and reaffirms its adherence to the principles of trade and navigation in conformity with the Charter of the United Nations and international law.

2. The Government of Turkey maintains its stance that differences and problems between States should be settled through dialogue and negotiations.

## **Uganda**

Uganda has normal trading relations with the Republic of Cuba and does not honour the embargo.

## **Republic of Yemen**

In virtue of its commitment to the principles of the sovereignty of States, and to the rights of States to pursue their own political and economic choices, and in view of the fact that these principles are enshrined in its constitution and reflected in the conduct of its foreign policy, the Republic of Yemen reiterates its support for General Assembly resolution 61/11.

## **Nepal**

1. The Government of Nepal upholds the principle of non-interference, non-intervention and sovereign equality of States and fully endorses the obligations under the Charter of the United Nations and international law to respect the freedom of international trade and navigation. Consistent with these principles and obligations, Nepal has voted in favour of General Assembly resolutions on ending the economic, commercial and financial embargo imposed against Cuba.

2. The Government of Nepal complies with and is committed to the provisions of the General Assembly resolutions on the issue, including resolution 61/11, and would further like to state that Nepal has no laws or measures that prohibit freedom of trade and navigation with Cuba.

## **V. SEVENTH CONFERENCE OF MINISTERS OF INFORMATION AND COMMUNICATIONS OF THE NON-ALIGNED COUNTRIES AT ISLA MARGARITA, VENEZEULA, JULY 2008 AND THE AGENDA ITEM**

20. The Seventh Conference of Ministers of Information of the Non-Aligned Countries (COMINAC VII) was held on Isla Margarita (the Bolivarian Republic of Venezuela), 2-4 July 2008, under the theme “Challenges and proposals for the objective dissemination of the voice of the South in the face of the current trends in the fields of information and communications” and adopted the “Isla Margarita Declaration on the Promotion of an Objective Voice from the South in the Face of the Current Trends in the Fields of Information and Communications”.

21. The Declaration<sup>8</sup> strongly condemned the imposition of unilateral and coercive measures that violate international law and the United Nations Charter, prevent the full achievement of social and economic development of the people living in the affected countries and undermine the wellbeing of their citizens, while discouraging, precluding and impeding their participation in the international market of ICT services., in particular

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<sup>8</sup> A/62/901 dated 10 July 2008.

in terms of access to, development and use of software, hardware and networks, including the Internet.

## **VI. GENERAL COMMENTS**

22. It is to be noted that the imposing of financial, economic and commercial embargo of an extraterritorial nature by United States of America against Cuba and other countries have accrued serious dimensions and its impact make devastating effect to them. Such practices run counter to international cooperation to the spirit of partnership being fostered in the interdependent world. Moreover, the imposition of such measures by one country against another country contravenes the very basis of international law and is totally incompatible with the principles of equal sovereignty, non-intervention and non-interference in the internal affairs of sovereign States.

23. The imposing of unilateral coercive measures against the developing countries totally impedes the full achievement of economic and social development enshrined in the UN Charter, in particular for children and women, and hinders their well-being and creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being.

24. It is observed from the above discussions that the unilateral coercive economic measures adversely affected the economy and development efforts of developing countries and has a general negative impact on international economic cooperation and on worldwide efforts to move towards a non-discriminatory and open multilateral trading system.

25. Some AALCO Member States being the primary targets of such unilateral imposition of coercive measures should reject and oppose the application of such unilateral measures as tools for political or economic pressure against any such country, because of the negative effects on the realization of all human rights of vast section of their populations.