

Chapter 7

CONCLUSION: THE WAY FORWARD

Extraterritorial Application of National Legislation (EANL) dates back to decades ago and, based on vivid indications of the *realpolitik* is still here to stay. It continues to adversely affect international relations and respect for international law as long as it is used as a weapon to further unilateral goals and objectives at the cost of ignoring and encroaching upon well-established norms and principles of international law. This Study attempted to demonstrate how unilateral secondary sanctions could undermine international law concepts and norms and how diverse areas of international law including international law of sovereignty, human rights law and international trade law are adversely affected. International law as it stands today is, however, well equipped to challenge these anomalies. Ranging from self-help measures (legislations, reciprocity, etc.), adjudication at national and international levels, different options are available to counter secondary sanctions, on the one hand, and more importantly to promote respect for international law as evolved during centuries and as crystalized as norms and principles international law as enshrined in the Charter of the United Nations and other instruments and endeavors of global support.

Based on the discussions presented in the Study on the background of the topic at AALCO, principles of international law violated by EANL, adverse effects of EANL on human rights and crisis management in times of pandemics, and relevant blocking Statutes to counter illegal unilateral sanctions, the following conclusions and some reflections on the way forward can be drawn:

- 1) Some international law concepts such as sovereign equality of States, non-intervention and cooperation

have, since long, turned into principles of international law. While international law has the necessary built-in mechanisms to promote respect for these principles, the international community should be more vigilant to react to any instance of violation of such principles, in particular, when certain unilateral measures and policies lead to, and result in, crossing the red lines by endangering fundamental human rights such as right to health, right to food and, in sum, the very human rights of individuals. AALCO appears to be an appropriate platform to demonstrate, and give voice to, such a vigilance by raising the issue and elaborating upon such grave violations of international law. Member States from Africa and Asia can together echo the voice of those members directly targeted by unfair unilateral EANL and reflect these to other platforms, in particular, the United Nations. The present Study is a very small contribution to the same endeavors, and it is only a beginner for further results-oriented plans and discussions at AALCO. Therefore, the issue of EANL needs further focus at AALCO and it is hoped more technical discussions can be held by Member States at relevant events.

- 2) EANL has resulted in a wide array of human rights violations; this was witnessed more clearly during the recent Covid-19 outbreak, when many States targeted by unilateral sanctions were unable to access vaccines in a timely manner. While many international forums such as the WHO and the UN, mainly through its Special Rapporteur on Unilateral Coercive Measures, have times and again underlined the importance of access to medicine, food, and other commodities of humanitarian concern by all nations, certain States have adhered to unlawful sanctions and even if, on paper, they claim to have exempted humanitarian grounds from EANL, overcompliance by third parties have proved these claims to be futile. It could be suggested that Asian and African Member States can have a big role in defying unlawful calls to giving effect to EANL concerning goods