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# ЕМБАРГО И МЕЖДУНАРОДНО ПРАВО. СЪВРЕМЕННИ ПРОБЛЕМИ

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ЕМБАРГО И МЕЖДУНАРОДНО ПРАВО · EMBARGO AND INTERNATIONAL LAW



The Union of Bulgarian  
Jurists

International Association  
of Democratic Lawyers



# EMBARGO AND INTERNATIONAL LAW. CONTEMPORARY PROBLEMS

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**Welcoming address by  
MR. JITENDRA SHARMA  
PRESIDENT OF THE IADL**



that we undertake on this Conference. The Union of the Bulgarian Jurists has constantly been playing a very significant role in the International Association of Democratic Lawyers. Your representatives actively participate in all the activities of IADL. President Mr. Slavov led a very large and prestigious delegation to the 15th Conference of IADL in October 2000 at Havana. The Secretary of the executive committee of your Union of Bulgarian Jurists Mr. Joseph Geron is in the executive bodies of IADL and has been elected not only for a

member of the bureau, but also an assistant treasurer. In accordance with the decisions of IADL since the 14th Congress which was held in Capetown, its bureau meets in different countries and in different regions of the world. Along with the bureau, the IADL also organizes some other activities in co-operation with the Local Associations. Now on the initiative of the Union of Bulgarian Jurists, the Conference on Embargo and International Law and the respective problems is being held today and tomorrow. I congratulate our Bulgarian friends for the broad initiative on the important subject of the Balkan embargo and its various aspects. In fact it was during the 14th Congress in Capetown that Mrs. Nacheva suggested that economic embargo and its consequences should be a subject matter of a Conference and offered that the Union of the Bulgarian Jurists would extent its co-operation to such an event. This Conference is a fulfillment of the said commitment made at Capetown. Economic embargo against a country is not something new. It has been going on for a long time. In the contemporary world the US economic embargo against Cuba has been in force for the last forty years. Libya, Iraq, The Democratic People's Republic of Korea, Yugoslavia, Bulgaria and several other countries have been victims of embargo. The embargo particularly against Cuba has now assumed different nuances and devastating consequences. The United States through its legislation in the recent past has imposed restrictions on third countries and companies to trade with Cuba. Is it not a violation of the principles of the International Law? Every sovereign nation has an inherent right, recognized by the International law, to determine, adopt and follow its own social, political and economic system. It is an essential concomitant of national sovereignty. The right to self-determination has been denied to countries whose economic and political system or their leadership is not similar to that in the United States. An economic embargo is imposed on them or are blocked. But they precisely this very right of self-determination of nations is being denied by imposing economic embargo against Cuba, Iraq, Libya and other countries. And I think it's reflecting on several other countries. Let's have a look at Cuba - the victim of the longest economic embargo. It is declared by what has been - to strangle the

Cuban Revolution by enforcing an economic blockade. There has been a ban against import of goods from the Cuban region, either directly from Cuba, or indirectly from third countries. Export of goods to Cuba or transfer of funds or credit to a Cuban national. For a long time there was a total ban on travelling to Cuba which has been partly relaxed. In fact because of that in our way to express solidarity, we had more than two hundred participants at the Havana Congress from the United States. They were there to express their solidarity with the Cuban Revolution and with the people and the laws of Cuba, to show that the economic embargo can not keep them from attending the Congress at Havana. Since 1992 stinging measures to cover even foreign corporations have been adopted, even trading with food and medicines with Cuba has been banned. At that the embargo specifically included food and medicines. Has it not resulted in the unavoidable deaths and disablement of men, women and children in these affected countries? Statistics are available of how embargo has directly led to death and diseases which were curable had the drugs been available. It is my opinion, and thus is entirely that this clearly is a crime against humanity. An action which causes death to a large number of civilian population not in the state of war is a crime against humanity. It's a violation of the accepted principles of the International law. It's a violation of the UN Charter. It's a violation to the Universal Declaration of Human Rights and various Geneva Conventions. Friends, large number of experts on the subject from Bulgaria and other countries will give you their opinion. While I do not wish to prevent the discussion that would follow on this Conference, I believe that the time has come to organize in co-operation with other organizations, to investigate and expose these crimes against humanity. I am confident that this Conference will address itself to this issue specifically.

Thank you.

## LECTURES

en Egypte le 13 Mars 1996 à l'occasion de la Rencontre international contre le terrorisme, affirme dans le même sens, que la rupture avec un pays et son isolement favorisent les extrémismes et ne résolvent rien.

Les Etats-Unis et la France, lorsqu'ils sont intéressés, considèrent donc eux-mêmes que l'embargo est une arme de mort. Face à elle, la solidarité internationale est une arme de vie.

En conclusion, on relève avec le jugement inique dans l'affaire dite de Lockerbie les manipulations et les contradictions du système judiciaire français (annulation de la décision d'un juge, atteint de „psychopathie médiatique“, mettant en cause abusivement le guide de la Révolution Libyenne 2 ans après le jugement dans l'affaire du DC 10 de l'UTA (lire: Pierre Péan: „Les preuves trafiquées du terrorisme Libyen“ - Plon. Paris 2001).

La Non annulation des mesures d'embargo sur la Libye par l'abrogation de la résolution 748 les instituant en violation des principes de la Charte et de la légalité internationale, révèlent la fragilité des mécanisme du Conseil de Sécurité et la duplicité des USA. Non obstant la solennelle portée de garantie du S.G. de l'ONU en cas de collaboration de la Libye au jugement avec extradition volontaire – de ses nationaux; les USA en la personne de leur président s'obstinent cyniquement a faire obstruction au processus légal onusien; exigeant des „Réparations“... suite à la condamnation d'un citoyen Libyen par un jugement qui innocent son... „complice“ fondé sur une instruction manipulée et une interprétation tendancieuse” ; alors que c'est la Libye qui est en droit d'obtenir réparation.

Après le crime contre le Peuple Libyen en 1986: le Criminel – en série – persiste et signe. QUID du T.P.I.?!... quand il' s'agit du „gendarme“....

(Ref.NORD.SUD 2000)

## IADL SHOULD PROPOSE REGULATING EMBARGO RULES

**Mr. Iosif Geron,**

*Bulgaria, lawyer, Secretary of UBJ,  
member of the Executive Bureau of IADL*

I would like to express my satisfaction with the discussion carried out at our conference. As jurists, we all know that truth emerges only in discussions. I am specialized in a different field of Law, different from International Law and will express my personal opinion.

The discussed subject about the economic sanctions imposed by the UN Security Council is indeed a very important, complex and serious subject. The major issue here is when the UN Security Council may impose those sanctions. In my opinion, under the provisions of the UN Charter, those sanctions may be imposed only and singularly in cases when it is a matter of war or peace, when there are problems threatening world security. I am inclined to accept that when in a certain state the internal peace is broken by means of genocide of the local population that should also be an applicable measure.

Sometimes the difference between crime and the adequate counter measure is only one step. To avoid the possibility for that measure turns itself into a crime we should support the establishment of well-functioning and well-motivated international rules which would regulate in greater detail in what cases the UN Security Council may impose those sanctions.

In case an embargo and the sanctions are unequivocally discarded, the trouble will be a bigger war, break of the world peace, or destruction of enormous population groups. It would be necessary to choose the lesser of two evils. Currently the opinion of the US is the most respected in the UN Security Council, in future that could be the opinion of another state.

In case these matters remain unregulated we may face a situation when the embargo would turn into political weapon of one country or another. We should build the foundations of such legal order that would not allow misap-

propriation on the part of the highest international institution - the UN and its Security Council with the rights it has been given by virtue of the UN Charter. All people, including those present at this conference, are against war. However, that does not mean that there should be no international norms concerning war. Such norms exist. The frequent application of economic sanctions in the last years requires the adoption of rules on them.

These rules shall regulate the cases when it would be admissible to impose embargo, to gradually tighten the sanctions - from weapon delivery bans to full food and medicines embargo, regular analysis and reporting on the efficiency of the sanctions, the duration of an embargo.

The duration of an embargo is a very important issue. Many investigations show that not only does not an embargo imposed against a political regime of a certain country weaken it but, contrary to the aim, does strengthen it. The easiest thing for such a regime to do is to deprive its people from all democratic rights. It is extremely unrealistic to expect that when a certain country is in an embargo situation, which is practically a Martial Law, the parents of children who need food, medicine, etc. would organize rallies under the guns of the ruling.

Actually, in such cases, the embargo is pointed not against the policy followed by the government of a certain country, but turns out to be an embargo against the people of that country.

An embargo shall not be infinite. When a given embargo cannot produce specific results in reasonable time period, it is quite possible to result in famine casualties. Sanctions shall be imposed only for a specified period of time which could be extended, but they shall not be subject to abolishment since that creates the possibility to impose a veto.

It is necessary to work out a detailed regulation and compensation of secondary consequences caused by an embargo to third countries that incur losses by the decisions imposed and observed by the international community. The reports of our colleagues from Romania and Bulgaria informed us about the huge economic problems that arise in such countries. The losses incurred by Bulgaria because of the sanctions imposed against Yugoslavia, Iraq and Lybia equal its foreign debt.

Benefiting from the statute of our association and on the grounds of the opinions expressed at that conference, we shall propose through the UN com-

mittees that a review of the regulation order be undertaken. I believe all of us would support that issue. Embargo is a fact. Though there are some differences related to the efficiency of the embargo against the South African Republic, at a congress in Havana, it was emphasized by our colleagues from that republic, that it had contributed extremely to overcome the Apartheid.

If we adopt a resolution comprising one single statement saying: "We are against embargo." would that be enough to put an end to it? It would not.

We are not a political organization and adhere to no party. If we were students we could have rallied in front of the UN building. But we feel that this is not the task of jurists, nor of our Association of Democratic Lawyers. Our task shall be to provide solid legal argumentation to all our proposals and get it through to the respective international institutions and public opinion worldwide basically via the legal community. I believe we would lose nothing if, availing ourselves of the statute of our association, we bring the attention of the UN to such embargo rules that would make it only applicable in extremely dire situations, when the international community may not react in any other way.

que el caracter preventivo de estas medidas ya ha desaparecido y actualmente su persistencia solo puede revestir un caracter punitivo, carente de legitimidad -impuesto por los Estados Unidos de America al ejercer su derecho de veto (en este caso doble veto)- y ocasionando graves perjuicios a la poblacion civil.

### III. - Conclusiones.

La "Associacio Catalana de Juristes Democrates" manifiesta de forma expresa su rechazo:

- por una parte, a las medidas unilaterales de bloqueo economico, comercial y financiero impuestas por los Estados Unidos de America contra Cuba y a la aplicacion de leyes de caracter extraterritorial, promulgadas unilateralmente, puesto que vulnera la soberania de otros Estados y causa efectos fatales sobre la poblacion civil cubana.

- y por otra parte, al mantenimiento de las sanciones economicas internacionales contra Irak al carecer estas de legitimidad internacional y tener efectos punitivos que repercuten directa y casi exclusivamente sobre la poblacion civil iraki.

Barcelona,  
a nueve de mayo de dos mil uno.

## CLOSING WORDS

**MR. Jitendra Sharma**

*President of IADL*

Thank you, members of the Presidium, friends and colleagues.

We have come to the end of this Conference. For two days we have debated and discussed in depth very important subjects regarding economic embargo. I must say very learned papers have been presented. Presentations have been made in certain expert manner that one has been able to learn a lot from what has been presented on this conference. I will also note the need of effective measures to compensate those who had suffered as a consequence of economic embargo sanctions against other countries. The secondly effect that has been said and I must in that matter specifically mention the paper presented by our young friend Miss Silvia Peneva, which has covered the various developments within the United Nations under the aspect of Art. 50 of the UN Charter. I wish to emphasize on one thing: that we in the International Association of Democratic Lawyers, fully appreciate, and we are one of the Bulgarian friends, that it is essential that the evil consequences, the harmful consequences, the devastating economic impact of the sanctions on Yugoslavia, the effect on Bulgaria, in fact on the entire Balkan region, has to be looked at seriously, there should be steps taken that they ought to be compensated for the loss, for the damage that has been suffered by the economy, by the people, by the entire system as such. There can not be two opinions on this subject, that it requires to be learned into. I am sure there will be complete unanimity on this issue of reducing and compensating the damages that have been caused and this is an "eye-opener" that not only the case of the Balkans, not only the case of Bulgaria and Romania is a consequence of the Yugoslav sanction, but in all cases wherever, sanctions have been imposed, whether we like it or not, compensations in terms of Art. 50 must be put in place in a manner that the innocent, the third parties do not suffer at all. And if there is any suffering, they ought to be compensated. We also heard various views on



other aspects of embargo, legality, otherwise, its impact on criminal law, its impact on organized crime. I also heard the draft of the final declaration that has been presented on this Conference. I ensure you that the IAD Bureau, which according to the agenda is to meet soon after the closing of this session, will give this draft the utmost care and attention. I wish to assure our friends that nothing will be done which would sound as if we are not conscious of the problems and the difficulties of our friends and colleagues here. We have to consider all aspects, we in the IADJ have been working on the basis of consensus and we are quite sure on this issue, like on most of the issues, we shall arrive at an consensus which will take care of all positions and particularly of the position of the Union of Bulgarian Jurists and the Bulgarian colleagues here. We shall certainly take care of that we shall meet after lunch to finalize this document in terms of that.

I wish to thank the Union of Bulgarian Jurists for making this Conference a success, because I think that this Conference is a great success. The large participation not only from outside Bulgaria, but from Bulgaria, the academics, the top lawyers, the professors, have made this Conference a big success, the credit of which goes to the Union of Bulgarian Jurists. But if not for the enormous efforts made by them it would not have been possible. We have attended various conferences, we have gone to various places in different parts of the world, with the different experience that we have and we find that this Conference is one of the best organized conferences, this Conference has been one in which the organization not only of the logistics, but the academic organization, because of the input of the Conference has been excellent and which was possible only with the enlightening leadership of Bulgarian Union of Jurists. We wish, on behalf of the International Association of Democratic Lawyers, to place here our hands and our appreciation for all that has been done by the Union of Bulgarian Jurists. I do not wish to really name individuals, but I can not forget, in spite of my hesitation to do so, but I have to name some. My friends would pardon me, but I will name one, two or three individuals from the Union of Bulgarian Jurists and it is not to undermine the contribution made by others, but some shine brightly than others, and therefore I am only mentioning this, apart from the President of the Union of Bulgarian Jurists, Mr. Slavov, and I hesitate to pronounce, I don't want to mispronounce a name, he has been a moving figure, he has been the

one who had done the utmost for organizing this Conference and I wish to especially thank the President for this. Mr. Gerov, the General Secretary of the Union of Bulgarian Jurists, I don't know how many days and nights he must have devoted exclusively to this Conference at the cost of his profession, at the cost of his family life, at the cost of his own health and time. He has been the one, you can find him everywhere: find him doing everything. Whenever you need any help, whenever we need anyone to make an inquiry, whenever you like to make any demand, we rush to Gerov, and he has forever smiling accepted even our most anxious demands when many of us would have said: No, no, we are not able to do so. But Mr. Gerov has been so kind and has made enormous efforts to make this Conference a success and I think that special thanks must be given to Mr. Gerov for this. But apart from the President and the Secretary, I can not restrain myself from thanking our old friend, colleague and one of the most learned professors that we have met here is Prof. Madame Nacheva. She has been the inspiration for this Conference and as I mentioned at the opening, it was she who in 1996, when we met at the 14th Conference of the International Association of Democratic Lawyers in Capetown, she presented her papers on commercial embargo and its consequences, she suggested that it is necessary that IADL should go into the various nuances and aspects of this question and that an International Conference should be organized. We have been trying to do so since then. Can you imagine, it has been taken 5 years for us to really meet here and hold this Conference, but she has been the moving spirit, she has been the inspiration and she has been the leader on the subject of this Conference and I have to thank her, thank her on behalf of IADL in which she has been a member of the Secretariat and to thank her I think on behalf of all the participants in this Conference. We have come to the end of this Conference and we must thank each and every person, our friends and colleagues who have presented such learned and important papers, which will certainly go into the history of the legal education and the legal movement as an important and basic contribution to the subject of embargo. I am sure we would be able, in co-operation with the Union of Bulgarian Jurists, to bring out the publication where all this important papers would be incorporated and that volume will be worth keeping as a memorable document and an original contribution to the subject. I must also thank all the participants who have come here, who have attended

this Conference, without whose presence the Conference would not have been a success. This is not only a question of presenting the papers, but it is a question of others participating, appreciating and even with their marks, expressing whether they agree or disagree with what has been said. I must thank each one of them. I must thank each and every volunteer, worker, fan from the Union of Bulgarian Jurists who have helped us in making this Conference a success. Lastly but not least, the most important duty that I have is to thank the interpreters who have done an enormous job in interpreting simultaneously to the various contributions that have been made, it has not been an easy task. They may be used to your accent, your language, but we are coming from different parts of the world, whether it is from France, from Japan, India, Sudan, we have different accents, different style of speaking. This Conference would not have been a success without the contribution and the help that the interpreters had given us. I on behalf of all of you would wish to thank them and let's give them a hand for their contribution.

Thank you!

## FINAL DOCUMENT - RESOLUTION OF IADL INTERNATIONAL BUREAU

*Sofia, 16 May 2001*

The International Association of Democratic Lawyers,  
Bearing in mind the significance of the conclusions and recommendations of the International Conference "Embargo and International Law. Contemporary problems", organised by IADL and UBJ on 15 - 16 May 2001 in Sofia,

Mindful of the need to make a real contribution to creating a world of better access to justice, by means of International law,

Ascertaining the need of rethinking the sanctions regimes (measures and sanctions) imposed by UN Security Council,

Expressing willingness to assist the implementation of this process by involving international lawyers able to provide expert advice,

### **Decided that:**

1. IADL propose to UN ECOSOC to take the initiative of setting up an ad hoc expert group to analyse the legal framework and practices relating to UN preventive and coercive measures, submit a written proposal for a detailed statute by the UN, including that the:

a) economic sanction regime:

- increase strictness of restrictions;

- must exclude food, medicines and other essential supplies for the civil population;

- define the economic sanctions;

- define the time limits of already imposed sanctions;

b) current and follow-up analysis and review of each case of economic sanctions, made by an independent expert authority.