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The Long Arm of US Jurisdiction and International Law: Extraterritoriality against Sovereignty

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Abstract
One of the corollaries of sovereignty is the duty of non-intervention in exclusive jurisdiction of other States. But sovereignty can also be the reason why States seek to apply their jurisdictions as far as they can, so some of them have adopted extraterritorial policies in exercising their jurisdictions. In this regard, the US promulgated a series of extraterritorial legislations in respect to competition law and sanctions, which affected non-target States. To counter this long –arm of US jurisdiction, some States took measures of their own to nullify these extraterritorial laws. These measures could be described as jurisdictional countermeasures.
Keywords: jurisdiction, international law, countermeasures, sovereignty, extraterritoriality, blocking statutes, claw-back Statutes, jurisdictional immunity, United Nations

1.Introduction

In a jurisdiction subject to the rule of law, law would serve as a malleable instrument of power.[1] Charles J. Dunlap introduced the term "*law fare*" and defined it as the strategy of using or misusing law as a substitute for traditional military means to achieve an operational objective.[2]

According to the definition given by the dictionary of public international law, directed by Jean Salmon, Extraterritoriality is a "situation in which the powers of a State (legislative, executive or judicial) govern relations of law outside the territory of that State".[3]

The long arm of US jurisdiction is described by Renaud Lecadre, French journaliste of *Libération* "*as a judicial guerilla war in order to impose a well-thought-out political will to enhance American power by making law an instrument of foreign policy and promoting its economic interests* ".[4]

Placing extraterritoriality and borders at the heart of international political economy, the United States enacted many extraterritorial laws recently and in the last decades which have provoked strong reactions. In fact, it was the Helms-Burton and D'Amato Acts, voted by the Congress in January 1996 which revived the debate on the question of extraterritorial application of national law. They were followed by a series of American laws imposed on other States to counter tax evasion, terrorism, corruption, and other matters.

To analyze this long arm of US jurisdiction, we think it is important to explain first the concept of extraterritorial jurisdiction in international law.

The principle of non-intervention, a corollary of sovereignty, preserves the latter.[5] The extraterritorial exercise of State competence is therefore unlawful unless the State in which the exercise occurred has given its consent or it's expressly provided so in international law. On the other hand, a State may legislate or apply its legislation (in its territory) to relations of law originating abroad, if no rule of international law precludes it and that there is a legally binding criterion.

Globalization is increasingly challenging the territorial attachment of sovereignty, for two reasons: firstly, States increasingly want to protect their interests also outside their borders, with regard to investments or in the context of migration, for example. Second, the international community is increasingly faced with problems that cannot be solved by a single state (such as climate change or terrorism). This development goes hand in hand with a shift in the notion of sovereignty which deviates from the formal principle of non-intervention and also extends to the material elements necessary for the transnational application of objectives adopted by the community of nations. This view complements the classical conception of extraterritoriality, which is conceived as the action of the State outside its borders of national law, both in its scope and its application.

According to Ian Brownlie, the State cannot take measures on the territory of another country by means of enforcement of national laws without the consent of the latter.[6] It is also accepted that a State has enforcement

[1] Orde F. Kittrie, "Lawfare: Law As A Weapon of War", Oxford University Press 2016, p.xiv
[2] Quoted by Orde F. Kittrie, "Lawfare: Law As A Weapon of War", Oxford University Press 2016, p.xiv
[3] Dictionnaire du Droit International Public. Sous la direction de Jean Salmon, Bruylant 2001.
[4] Portail de l'IE, Centre de ressources et d'information sur l'intelligence économique et stratégique. https://portail-ie.fr/short/1479/de-lextraterritorialite-des-lois-americaines-une-prise-de-conscience-politique
[5] [5] James Crawford, « Brownlie's Principles of Public International Law", Oxford, 8th edition 2012, p.447.
[6] Ian Brownlie, « Public International Law », Oxford 2008, p. 309.

jurisdiction abroad only to the extent necessary to enforce its legislative jurisdiction.[1]

On the other hand, the Permanent Court of International Justice (PCIJ) held in the *Lotus* case that international law does not blankly prohibit to States to extend the application of their laws and the jurisdiction outside their territory. International law leaves the States with a certain amount of discretion when it comes to adopting extraterritorial measures.

In fact, the PCIJ famously held that" Far from laying down a general prohibition to the effects that States may not extend the application of their laws and jurisdiction of their courts to persons, property and acts outside their territory, it leaves them in this respect a wide measure of discretion which is only limited to certain cases by prohibitive rules; about other cases, every State remains free to adopt the principles which it regards as best and most suitable".[2]

This statement seems to suggest that jurisdiction in international law is indefinite, but subject to defined prohibition. The PCIJ further conclusion: "All that can be required of a State is that it should not overstep the limits which international law places upon its jurisdiction; within these limits, its title to exercise jurisdiction rests in its sovereignty".[3]

So, if the Court outlined that each State may exercise its normative competence by providing for the rules it establishes to be extraterritorial in scope, it stressed that the implementation of these rules on the territory of the foreign State can only be realized if the latter does not oppose it.

Can we deduct that in international law, extraterritoriality is rooted in the concept of sovereignty, although it is usually considered as the violation thereof?

According to Brigitte Stern, it is recognized that the State possesses, independently of its territorial and personal competences, certain competences based on its sovereignty, that is, its existence as a sovereign, its security, its territorial integrity.[4] Public international law thus recognizes the possibility for any State to exercise extraterritorial normative competence with regard to all acts threatening its existence or its security. In other words, the State can repress acts committed abroad and harmful to its most fundamental interests: in this case, the use of extraterritorial competences based on the principle of protection is referred to.[5]

Regarding the effect on their own territory of a foreign norm or decision, States consider that international law leaves them a great deal of discretion, which is based on their sovereignty. According to Prosper Weil, therefore, there appears to be a permissive rule of international law authorizing States to give or not effect in their territory to foreign norms and decisions irrespective of compliance with the rules of jurisdiction and rules of international law.[6]

Nevertheless, it can also be seen that the practice of States shows that they quite often and quite largely, considered international law.[7]

It appears from the practice of States that that international law leaves them a great deal of discretion and freedom of maneuver about the effects of foreign norms and decisions on their territory, which, however, is not entirely arbitrary. More precisely, it seems that this freedom could be expressed in two flexible propositions:

- a State recognizes the effect in its territory of a foreign extraterritorial decision adopted in accordance with international law; by exception to this principle it may refuse its effect if it considers it contrary to its public policy.

This rule makes it possible, as far as possible, to respect different sovereign states: sovereignty of the State which has complied with the rules of jurisdiction of international law and which should in principle not be prevented from using its competences in this way; and sovereignty of the State that it should not be compelled to implement within its territory a norm which would run counter to its fundamental legal conceptions.

- a State does not give effect in its territory to an extraterritorial foreign decision which does not respect the limits imposed by international law; As an exception to this principle, it may decide to accept this decision in its legal order.[8]

In this manner, the US enacted series of extraterritorial laws penalizing States and foreign companies to combat terrorism, corruption, tax heavens, those who deal with countries under their sanctions etc.… and its long arm jurisdiction, imposed huge fines and astronomical sums on foreign banks and companies, extracting from

[1] Ian Brownlie, « Public International Law », Oxford 2008, p.310-311.
[2] S.S 'Lotus' (France v Turkey), 1927 –PCIJ, Ser A No.10, p18-19
[3] Ibid, p19
[4] Brigitte Stern, « Les champs d'application territoriale des lois de concurrence », Recueil des Cours de l'Académie de Droit International 1969, vol.3, p.648
[5] Brigitte Stern, "Quelques observations sur les règles internationales relatives à l'application extraterritoriale du droit. », Annuaire français de droit international, vol. 32, 1986, pp. 7-52. P.25
[6] Prosper Weil, "Le contrôle par les tribunaux nationaux de la licéité des actes des Etats étrangers », Annuaire français de droit international, vol.23, N0.1, pp. 9-52.
[7] Brigitte Stern, id, p.38
[8] Brigitte Stern, id, p.39.

them confidential information, and thereby violating principles of sovereignty and non-intervention in the domestic jurisdiction of other States.

This Study will analyze the US extraterritorial legislations (Part One) as well as the countermeasures against these laws, (Part Two).

2. US Extraterritorial Legislations

The export of US laws is not new; it dates back more than a quarter of a century. Decades ago, the United States had developed a global superpower strategy based on a legal arsenal by imposing its jurisdictions on the rest of the world. In this chapter, we analyze series of American laws against other countries and companies.

2.1 The Helms-Burton and D'Amato

With this legislation, the United States proceeded to extend the embargo policy worldwide, this attitude has provoked indignation among many States which criticized the international unlawfulness of such legislation. It was described as a bad law and a danger to the international legal order by some authors,[1] For others, the conclusions are nuanced. As in the state of substantive international law, only partial international unlawfulness of this law seems to be established. With respect to its extraterritorial scope, certainly the most criticized, no clearly formulated international stipulation seems to oppose it.[2]

In short, the Helms-Burton Act intends to impose on third countries companies the respect of the US embargo against Cuba since 1961, while the Amato-Kennedy law imposes sanctions on any foreign company that would invest a certain amount more than 40 million dollars in oil and gas in Iran or Libya. The aim of this law is to deprive these States of money that would be used in terrorism.

The purpose of Helms-Burton and D'Amato Acts was to use economic arm for political ends. It has important consequences on relationship between Europe and the US: confirming the American leadership, the former President Bush had confirmed after the *desert storm* operation that international collectivity and international will be at the heart of new world order. But few months later, this speech changed and President Bush, before the Air Academy on the 20th May 1991 had affirmed that the US could hold the burden of being the world leader. So, as Brigitte Stern[3] observed, the new world order is structured around them and the interests of the whole world are confused with their.

It is necessary to consider the measures provided for in Amato's law and the measures taken by the Security Council against a legally-bound State: Libya, which was under an embargo decreed by the Council of Security since 1992 to compel it to deliver to justice the Libyans who were suspected of being the perpetrators of the Lockerbie case of December 21st 1988. By this law, the United States imposes measures on a State which was already subject to economic sanctions by the Security Council. The Charter of the United Nations confers on the Security Council the primary responsibility for the maintenance of international peace and security. A State cannot theoretically replace the Security Council, especially since the United States does not invoke any failure of that body to justify its unilateral measures. On the contrary, the United States seems to rely on these measures to strengthen them. Section 3 (b) of the Amato Act states that the objective is: "To seek full compliance by Libya with its obligations under resolutions 731, 748 and 883 of the Security Council of the United Nations". This applies *a fortiori* to Cuba or Iran, which are not subject to measures decided by the Security Council under Chapter VII of the Charter of the United Nations.

There is in this unilateralism of sanctions an approach contrary to UN Charter provisions in particular, and to international law in general. There is no doubt that the confrontation between the D'Amato law and the Charter will be on the agenda if international litigation arises and must be decided by an international jurisdiction.[4]

Professor Brice Glacett approves the lawfulness of the legislation not considering contrary to international law:

"*Because the jurisdiction of international tribunal is consensual, it is only rarely that a confiscation case can be brought in such a forum. Espousal of claims by the victims' government can take generations to bear any fruit at all end, even when it does, typically results in recovery by victims of only a pathetically inadequate fraction of the just compensation to which international law entitles them. In these conditions, there is every reason for an*

[1] Anthony M. Solis "The Long Arm of US Law: The Helms-Burton Act", Loyola of Los Angeles International and Comparative Law Review, 4-1-1997, pp 736-740

[2] Xavier Laureote, « A propos d'illicéité internationale de la loi Helms-Burton », Pouvoirs dans la Caraïbe –PDLC, 11/1999, pp105-132

[3] Brigitte Stern: Les lois Helms-Burton et D'Amato: Une analyse politique et Juridique. Europa Institut der Universitat Saarlandes. 1997. P 22

[4] Jean-Marc Sorel, "Remarques sur l'application extraterritoriale du droit national a la lumière de la législation américaine récente », Revue juridique de l'Ouest, 1996-4. Pp. 415-440, p.439

aggrieved state to supply effective remedies of its own if it can."[1]

Since then, the USA withdrew their declaration of acceptance of the compulsory jurisdiction of the International Court of Justice at the time of the Nicaraguan affair, the reproach made by Prof. Glacett might well be addressed to the United States themselves.[2]

It may be interesting to note that the Department of State was fully aware that the Helms-Burton Act is indefensible from the point of view of international law. Consulted at the time of its elaboration, it did not at all share the point of view of Congress and made its "Legal Considerations on Title III of the LIBERTAD Act", which states: The principles underlying Part III Are not compatible with the traditions of the international legal order and no State has adopted similar laws.[3]

The legislation Helms-Burton cannot be founded on territorial jurisdiction even in its extensive interpretation of the theory of effects, for these laws expressly invoke this theory, as if to justify in advance the adoption of extraterritorial measures adopted by the United States. It should be noted that this theory divides the American doctrine and the European doctrine. In August 1996, an OAS Committee declared that the Helms-Burton Act was illegal as it sought exercise jurisdiction in a manner contrary to international norms.[4]

To determine the legality or illegality of US measures under international law, it is appropriate to briefly recall a few principles governing the extraterritorial application of the law.

Any State may legislate for property or situations which have a reasonable territorial or personal connection with it: in other words, any State may adopt laws regulating what is happening on its territory. Any State may also legislate in respect of its nationals, which necessarily implies an extraterritorial dimension, which can be perfectly in conformity with international law, when the national is abroad. A more delicate question was whether a State could adopt laws regulating activities outside its territory on the pretext that those activities had effects on its own territory. US positions on this point are significantly different from the positions of other states:

For them, that any conduct, wherever it occurs, has substantial effects on US territory, or at least has the objective of causing such effects, the United States considers that it can legitimately exercise its legislative power with respect to such conduct: this extensive interpretation of United States territorial jurisdiction is set out in paragraph 402 of the *Restatement of Law Third*. Given the increasingly narrow interpenetration of economies within the framework of the current globalization, we see that with such an interpretation there are virtually no limits to the extension of American regulation in the whole world. In theory, the United States accepts the idea that the expansionary power of such an interpretation should be channeled, since it states that paragraph 402 must be read in the light of paragraph 403, which indicates the limits recognized by The Americans have their extraterritorial normative competence, and their jurisdiction to prescribe. Specifically, paragraph 403 states that "even when one of the bases of jurisdiction listed in paragraph 402 exists, a State may not use its jurisdiction to enact laws relating to a person or an activity connected with another State, if the exercise of such competence is unreasonable.

While the United States, like other countries, recognizes the five principles of jurisdiction under international law: the territorial, nationality, protective, universality, and passive nationality principles, it interprets its own jurisdictional authority much wider than most States[5]. So, the US extends its economic punishment legislations to third State parties.

The Helms-Burton and Amato Laws violates international rules relating to the extraterritorial application of the law. They violate the rules of international responsibility, the rules of the WHO and the OECD; they violate the principles of sovereignty and non-intervention.

In fact, US measures against Cuba represented a flagrant breach to the principle of non-intervention in the State's domestic jurisdiction, set forth by the ICJ in the Nicaragua Case:

Per generally accepted formulations, the principle forbids al1 States or groups of States to intervene directly or indirectly in internal or external affairs of other States. A prohibited intervention must accordingly be one bearing on matters in which each State is permitted, by the principle of State sovereignty. to decide freely. One of these is the choice of a political, economic, social and cultural system, and the formulation of foreign policy. Intervention is wrongful when it uses methods of coercion regarding such choices, which must remain free ones.[6]

It's interesting to notify that the United States did this analysis when their own companies were affected by the secondary boycott decided in 1977 by the Arab States against the firms that were doing business with

[1] Brice Glacett, 'Title III of the Helms-Burton Act is Consistent with International Law", AJIL, 1996, vol. 3, p. 437.
[2] Brigitte Stern, "Les Lois Helms-Burton, p.7.
[3] Ibid, p9
[4] Berta Esperanza Hernandez-Truyol and Stephen Joseph Powell, "Just Trade: A new Covenant linking Trade and Human Rights", New York University Press 2009, p269
[5] Kristina Larsson, « US extraterritorial application of economic sanctions and the new international sanctions against Iran." Master thesis, Master programme in Maritime and Shiping Law. Faculty of Law, Lund University 2011, p.51
[6] *ICJ Reports, 1986, p. 97,* §205

Israel. The American senate then adopted a resolution in which it declared that "the government of the United States will not tolerate such interference with its sovereignty."[1]

2.2 Other US Extraterritorial Laws

The French Republican deputy Pierre Lellouche was so nervous when he presented a strongly worded report on the extraterritoriality of American legislations, before the Committee on Foreign Affairs and Finance of the National Assembly in Paris:

"We are facing with a wall of extremely tough American legislations with a specific intention to use economic and political imperial rights to achieve economic and strategic benefits.[2]

In fact, French companies have had to pay a US $ 40 billion (€ 385 billion) a huge sum of money in the last few years. American justice accuses them of not respecting the sanctions decided by Washington (and not by the United Nations) against certain states. The right then becomes a weapon to absorb or eliminate competitors.[3]

It took the two colossal fines imposed on BNP Paribas (€ 8.9 billion) in 2014 and Alstom ($ 772 million, about € 730 million) for the French leaders and media to become aware of the will of the United States to impose their legal model and their laws on other countries, even their closest allies.

Other banks, mainly European, have been sanctioned: Agricultural Credit, HSBC, ING, Credit Suisse, ABN Amro, Lioyds, Barclays, Commerzbank ...

-Alstom has found an arrangement of nearly $ 800 million with US judicial authorities for corrupt acts when - coincidence or not - the energy branch was bought out by General Electric.

- Commerzbank and HSBC have also been penalized for failure to enforce anti-money laundering legislation.

- Deutsche Bank is currently negotiating a penalty up to $ 14 billion, according to US demands, for its role in the subprime crisis.

- Volkswagen has been sanctioned (not without good reasons) for defrauding the environmental rules.

To combat corruption, the FBI, thus employs 800 agents on US territory, as well as a team of 30 people specializing in international corruption. These agents rely on mass data processing and are supported by other intelligence agencies. Thus, in the Alstom case, it would be the NSA that would have provided a hose to the FBI, based on an internal conversation within the group.

It all began in 1977 with the Foreign Corrupt Practices Act (FCPA), which deals with the fight against corruption. Applying to domestic companies, it is extended in 1998 to foreign companies. It was followed by a series of laws criminalizing trade with states under US embargo (Iran, Cuba, Libya, Sudan ...) which punishes companies under American embargo. Some of these laws are well known, such as the Helms-Burton and D'Amato laws that sanction companies trading with Iran, Libya, and Sudan (a total of 70 US embargoes worldwide). In 2007, a British banker, one of the leaders of the Standard Chartered, will say: "*who are you Americans, to tell us and tell the rest of the world that we must not work with the Iranians*?" A few years later the Standard Chartered must pay 700 million dollars of fine for having traded with Iran.[4]

Then, after the September 11th 2001 attacks, it was a matter of fighting the money laundering of terrorists or drug traffickers. The Patriot Act grants extended powers to US agencies to access computer data, including through the National Security Agency (NSA).

In 2010, the Dodd-Franck Act gives the Securities and Exchange Commission (SEC) the power to punish any conduct that, in the United States, materially contributes to the infringement, even when the financial transaction was concluded outside of their territory and involves only foreign actors.

The export of American law, the extraterritoriality of the American laws is not a new process as we mentioned above. In fact, the United States is developing a global strategy of hyper power by relying on a legal arsenal and imposing their laws, their standards, to the rest of the world. In the name of great principles, they make good business.

The famous FCPA is the best known today, which applied to American companies that paid bribes to officials and politicians to obtain contracts. It was extended in 1998 to foreign companies and was to serve as a model for the OECD convention to curb corruption, particularly in big contracts.

The Patriot Act, enacted in 2001 after the attack on the Twins Towers, under cover of the fight against terrorism, gives broad powers to the various agencies to access the various computer data. Its aim is to strengthen America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism, abbreviated

[1]Brigitte Stern, "Quelques observations sur les règles internationales relatives à l'application extraterritoriale du droit. », Annuaire français de droit international, vol. 32, 1986, p.22

[2]« *Nous sommes devant un mur de législations américaines extrêmement touffues, avec une intention précise qui est d'utiliser les droits a des fins d'imperium économique et politique dans l'idée d'obtenir des avantages économiques et stratégiques* ». Mission d'information parlementaire. Rapport d'information complet sur l'extraterritorialité du droit américain du 5 octobre 2016, by Pierre Lellouch & Karine Berger: *http://www.assemblee-nationale.fr/14/rap-info/i4082.asp*

[3] Jean-Michel Quarepoint 'Au nom de la loi…américaine. Le Monde Diplomatique, January 2017, p. 1,22,23.

[4] Jean-Michel Quarepoint, ibid p 23

to the USA Patriot Act. It was a very substantial measure, containing 134 provisions and covering 342 pages. It was rushed through both Houses of Congress with little debate, very limited public hearings, and without a conference or a committee report.[1]

In 2014, the Foreign Account Tax Compliance Act (FATCA) gives the US tax authorities extraterritorial powers that force foreign banks to become their agents by providing them with all the information on the accounts and assets of US citizens in the world and thereby, violating bank secrecy. Thus, the US judge may request disclosure of any material information or ant operation contrary to US interests. If the foreign banks do not obey, 30% of their income in the United States is confiscated and, even more serious, their license is withdrawn. However, for a bank, especially the biggest ones, to no longer can work in the United States and not to be able to compensate in dollars is equivalent to a death sentence. With Eritrea, the US is one of the two countries in the world that applies citizenship-based taxation.

In France, this law has already begun to complicate the lives of American expatriates who would now have more trouble opening bank accounts. Others attribute to it the unprecedented rise in the number of Americans who have renounced their citizenship. According to US Treasury, a record 4, 279 individuals have renounced their US citizenship or long-term residency in 2015 – an increase of 20% on the previous year. In 2010, 1, 0006 gave up being US citizens, but since then the number have risen every year.[2]

With the burden on foreign banks to identify US citizens among their customers to American tax authorities, banks abroad are afraid and they deny access to basic banking facilities. They would rather refuse American citizens' customs than to take the risk of heavy penalties.

It is doubtful whether the nationality of a person is sufficient to enable the State to impose its tax laws on the totality of his activities or that they take place.

Brigitte Stern argues - albeit counterproductively - that the political ties represented by nationality does not confer on the State the competence to impose its economic regulations on its own nationals who are resident in another State.[3]

Thus, the extraterritorial use of its competences by the State on the basis of classical attachment criteria may now be contrary to international law, if this use is unreasonable, and in the event of conflict, it is therefore the unlawful extraterritorial law that must be removed.

With hindsight, it is very difficult to challenge each of these measures: Who is going to protest the fight against corruption? Similarly, who is not in favor of the repression of drug traffickers and money laundering? The same is true for terrorism that is a threat, money laundering is a means of financing terrorism and guilty, whether American or not, must be fought. On the other hand, in the name of virtue, the United States cannot admit corruption. And in order not to put the American companies condemned in position of inferiority compared to their foreign competitors these are pursued in their turn.

The United States therefore, sets out principles that are valid for all and that all are obliged to respect through a legal arsenal all-round, through the power of the dollar, through the technologies that make it possible to know everything. It is therefore very difficult to oppose this smart power,[4] a true ideology based on the defense of human rights, non-falsified free competition, consumer rights, and minority rights and so on.

The extraterritoriality of American legislations allows the American power, on the sectors it considers strategic, to establish its domination.

2.3 Justice Against Sponsors of Terrorism Act (JASTA)

The Justice Against Sponsors of Terrorism Act (JASTA), adopted by the Congress the 28th September 2016, authorizes the families of the victims of the twin towers attacks on 11/9, to sue Saudi Arabia.

American courts have provided that foreign governments are generally immune from being sued in the United States.[5] In fact, the 1976 Sovereign Immunities Act (FSIA) had codified the legislation of foreign sovereign immunity but provided for exceptions to it. The 1996 Antiterrorism and Effective Death Penalty Act (AEDPA) came as an exception to FSIA targeting a list of States sponsoring terrorism, which means that a foreign State designated as a State sponsor of terrorism shall not be immune from the jurisdiction of American courts in cases in which "money damages are sought against a foreign State for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act".[6]

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[1] Tom Bingham, « The Rule of Law", Penguin Books UK 2011, p. 143.

[2] http://affaires.lapresse.ca/economie/etats-unis/201406/29/01-4779772-les-etats-unis-sortent-lartillerie-lourde-contre-levasion-fiscale.php

[3] Brigitte Stern, "Quelques observations sur les règles internationales relatives à l'application extraterritoriale du droit. », Annuaire français de droit international, vol. 32, 1986, p.47

[4] Jean-Michel Quarepoint 'Au nom de la loi…américaine. Le Monde Diplomatique, Janvier 2017, p ,23.

[5] Orde F. Kittrie, "Lawfare: Law as A Weapon of War", Oxford University Press 2016, p. 70.

[6] TovahLazaroff, "US 'Disappointed UN Rights Council Continues to Single Out Israel'. Jerusalem Post, March 27, 2015,

The Justice Against Sponsors of Terrorism Act (JASTA) appears as another exception to FSIA. But this time JASTA is not limited to state sponsors of terrorism, but it is limited in other ways.[1] The new Section 1605B provides that a foreign state shall not be immune from suits seeking money damages for personal injury or death, or for injury to property, occurring in the United States that is caused by (1) "an act of international terrorism in the United States;" and (2) a tortuous act of a foreign state or its officials "regardless where the tortuous act or acts of the foreign state occurred." The tortuous act of a foreign state may not, however, be an omission or "constitute mere negligence." [2]

Until now, the question of the responsibility of States and other entities which would encourage or provide any support for terrorism had never found expression in a legal act. It is a precedent that could pave the way for a serious diplomatic crisis in the international society, if ever it is generalized. This is a clear violation of international law and the customary principle of jurisdictional immunities of States.

Section 2 (7) of JASTA states that: *"The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries."*

Section 3 of JASTA gives what it means by (international terrorism, referring to another United States law by assuming that terrorism within the meaning of this Act has the meaning given to it by Article 2331 of Title 18, United States Code, excluding any act of war). [3].

The American Act literally challenges the jurisdictional immunities of States by providing in Section 3 that:

(b) Responsibility of foreign States – A foreign State shall not be immune from the jurisdiction of the courts of the United States in any case in which money damages are sought against a foreign State for physical injury to person or property or death occurring in the United States and caused by "(1) an act of international terrorism in the United States; and "(2) a tortuous act or acts of the foreign State, or of any official, employee, or agent of that foreign State while acting within the scope of his or her office, employment, or agency, regardless where the tortuous act or acts of the foreign states occurred."

Jurisdictional immunities of States constitute a complex and sensitive issue, insofar as it affects both the right of access to a judge and equality of the exercise of this right, to the sovereignty of States and to international law. The notion of immunity, based on the principle of sovereign equality of States, is primarily a matter for public and customary international law, and its implementation is declined by the jurisprudential practice of States.

National jurisdictions may be called upon to make different decisions in similar situations, but similarities prevail over divergences. Thus, the regime of immunities has gradually evolved: in the past it was absolute, immunity has become restricted. This convergence of procedures led the United Nations to launch the codification of the right of jurisdictional immunities of States. The United Nations Convention on Jurisdictional Immunities of States and their Property is the result of this process. The Convention was adopted by the United Nations General Assembly on 2 December 2004 and opened for signature from 17 January 2005 to 17 January 2007.[4] In the judgment of 3 February 2012 on the case concerning jurisdictional immunities of the United Nations, State (Germany v. Italy, Greece (intervening) the International Court of Justice reaffirmed this principle by stating in the instant case that: "The Court concludes that the above-mentioned judgments of the Florence Court of Appeal violated the obligation to Italy to respect the jurisdictional immunity of Germany. «Any decision to be taken by the United States courts will therefore violate public international law.

As Article of the US Constitutions stipulates:" This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

So, this legislation is incoherent international law, territorial sovereignty, and international treaties, and consequently conflicts American Constitution. Furthermore, the UN Charter confirms the equal sovereignty of all States "The Organization is based on the principles of sovereign equality of all its members".[5]

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http://Israel-News/Politics-And-Diplomacy/US-disappointed-UN-rughts-council-continues-to-single-out-Israel-395354

[1] Section 2(7) of

[2]https://www.justsecurity.org/33325/jasta-violate-international-law-2/h

[3] In this section, the term 'international terrorism' - (1) has the meaning given in section 2331 of title 18, United States Code; and (2) does not include any act of war. As we can see, defining terrorism is a difficult exercise

[4]For a more detailed discussion of the convention, see Gerhard Hafner and Leonor Lage, 'La Convention des Nations Unies sur les Immunités Juridictionnelles des Etats et de Leurs Biens, in Annuaire Français de Droit International, vol.50, 2004, pp.45-76.

[5] Article 2 paragraphe 1 of the UN Charter.

There have been strong reactions to these extraterritorial US laws. In the next chapter, we will see how other States responded to this extraterritoriality of American legislations.

3. Countermeasures against US Extraterritorial Legislations

To combat extraterritorial jurisdiction considered as illegal, States resort to what called *claw-back* measures. Its objective is to allow a country subject to a foreign judgment executed against its foreign assets, to recover the judgment sum against any assets of the plaintiff in the foreign judgment that may be situated in the local jurisdiction.

Although the USA has been the main target of claw-back measures, the US itself has resorted to this kind of countermeasures in its international relations. The US Dodd-Franck Wall Street Reform and Consumer Protection Act of 2010, which was approved after the financial crisis in 2008, passed with aim of significantly changing US financial regulation. One of proposals of the Securities and Exchange Commission (SEC) in this regard was a requirement for all companies listed on a national securities exchange to have a policy to recover compensation erroneously awarded abroad.[1]

What are called *blocking statutes* are laws passed in recent years by some states to prevent extraterritorial foreign laws from being effectively respected in their territory. England, Canada and France have adopted such laws among others. For example, the French law of 16 July 1980 on the communication of documents, whose main purpose is to combat extraterritorial foreign norms, having some extraterritorial aspects.

These blocking laws have sometimes been described as an effect of the adoption by some States of extraterritorial laws contrary to international law. It is in this sense that Professor Mann analyzes blocking laws as countermeasures justified by the existence of an infringement of international law committed by the United States: "*It constitutes an act of self-defense or reprisal, Or sanction against international inherent in the assumption of excessive jurisdiction by other States* ".[2]

3.1 Countermeasures by the EU in response to Helms-Burton and D'Amato Act:

The EU has considered that Helms-Burton Act is extraterritorial and against international law. The European Commission Chairman Jacques Santer explained clearly the EU's position:

> "We do not believe it is justifiable or effective for one country to impose its tactics on others and to threaten to aid its friends by targeting its adversaries."[3]

The EU's response was clear: it in no way intends to comply with the act. So, it applied countermeasures by adopting unanimously blocking legislation to counter the Helms-Burton Act. On October 29, 1996, the EU unanimously approved retaliatory legislation that would allow Europeans to sue to recover damages assessed in US courts pursuant Helms-Burton Act.[4] So EU persons involved in commercial activities between the European Union and third countries were empowered to recover any damages awarded against them under the listed sanctions. The EU also initiated the World Trade Organization (WTO) mechanisms against the US in October 1996, on the basis that the Helms-Burton Act resulted in infringement of the EU members' rights under the General Agreement on Tariffs and Trade (GATT).[5]

The three major effects of the EU legislation can be described by Anthony M. Solis, as non-recognition, noncompliance, and countersuit:

1-The EU legislation states that no member State shall recognize any foreign judgment that violates international law, namely a judgment that results from an extraterritorial law

2-The legislation forbids any person from complying with extraterritorial laws either actively or by deliberate omission

3-The legislation entitles any person against whom a foreign country enters a judgment to seek recovery of that sum from the original plaintiff in the courts of the European Community.[6]

Helms-Burton had been regarded from other countries as an obstacle hindering trade and investment. Mexico (Law of Protection of Commerce and Investment from Foreign Policies that Contravene International

[1] Seyed Yaser Ziae," Jurisdictional Countermeasures versus Extraterritoriality in International Law", Russian Law Journal, vol. 4, 2016, issue 4, p. 27.

[2] Frederick-Alexander Mann, "The doctrine of international jurisdiction revisited after twenty years", Collected Courses of The Hague Academy of International Law. Nijhoff Leiden Boston. Vol. 186, pp.9-98

[3] President Clinton Joint News with Italian Prime Minister Romano Prodi and European Commission President Jacques Santer, in Federal News Service, June 11, 1996, available in LEXIS, News Library. Transcripts File.

[4] Anthony M. Solis "The Long Arm of US Law: The Helms-Burton Act", Loyola of Los Angeles International and Comparative Law Review, 4-1-1997, pp. 709-741, p.727

[5] Alexander Layton and Angharad M. Parry, "Extraterritorial jurisdiction-European responses", Houston journal of international law, vol. 26.2, 2004, pp.309-322, p.315

[6] Anthony M. Solis "The Long Arm of US Law: The Helms-Burton Act", Loyola of Los Angeles International and Comparative Law Review, 4-1-1997, pp. 709-741, p.728

Law of 1996) and Canada (Foreign Extraterritorial Measures Act 1996) adopted blocking and claw-back legislation. For instance, the basic elements of the Canadian blocking legislation include: permitting the attorney general to block the enforcement in Canada of foreign judgments rendered under Helms-Burton Act; and giving Canadian companies recourse in Canadian courts if awards are made against them in US courts.

As for the Mexican claw-back provisions, they prohibit, *inter alia*, acts derived from the extraterritorial effect of foreign law and supply information requested by foreign courts.[1]

In fact, they forbid Mexican nationals to issue responses to inquiries from foreign courts under extraterritorial measures.[2]

3.2 Possible Countermeasures against FATCA, SEC, and FCPA

To respond to American jurisdictions, 2 French deputies (Pierre Lelouche and Karine Berger) are suggesting the following:

1- Cooperate in setting the framework for the legitimate fight against international corruption, terrorist financing or tax evasion. This would make it possible to be on an equal footing.

2- Developing avoidance strategies "with, for example, the promotion of the use of the euro in international transactions in response to the risks associated with the use of the dollar.

3- Responding to the United States with their weapons, making sure that they are not the only ones to "bite": the European Union is also an economic superpower, it should not forget it. The authors of the report write:

"The recent tax reimbursement of more than 13 billion Euros demanded by the European Commission to Apple gives hope in this regard, after a decade of renouncement against the aggressive practices of US administrations and companies."

As US practices create an imbalance in competition, other French leaders are suggesting that France and EU strengthen the anti-corruption legislations or refuse to continue to negotiate the Transatlantic Trade and Investment Partnership (TTIP) also known as TAFTA?

In fact, the Transatlantic Free Trade Area (TAFTA) is a free trade agreement which seeks to eliminate as much as possible customs duties and regulations which impede the smooth functioning of trade. If fully achieved, it will create the largest free trade zone in history in a market representing almost half of the world's GDP over 14 million km2, an unprecedented step towards unity Economic development of the "western world".

The objectives of TAFTA is the abolition of all customs duties, the integration of new access possibilities into the services markets, the promotion of reciprocal access to public markets.

The reason behind the importance of TAFTA to the United States is that the geopolitical evolution of the world worries the American leaders. Anxious to arm themselves in their fight of titans against China and India, the United States, which had a time disdained Europe as a strategic interest, worry again about the homogeneity of the western bloc.

In the latest news, the European Union, per French Foreign Secretary Matthias Fekl, cannot conduct serious negotiations with the United States on the TAFTA if the extraterritorial character of the American laws remains. He said that the extraterritoriality of these legislations allows them to attack French and European companies, because US courts can make decisions on facts that have not taken place in the United States, because the transactions are denominated in dollars. The French bank BNP Paribas has seen itself inflicted a fine of $ 8.9 billion in 2014 for carrying out operations in dollars with countries subject to US economic sanctions.[3]

3.3 Assessment of Countermeasures

Countermeasures must be viewed as exceptional measures against a State that has committed an internationally wrongful act and the scope of which is restricted to the cessation of the internationally wrongful act, safeguards for non-repetition, and reparation. But in international law countermeasures must be proportionate.

For the development and effectiveness of international law where everything develops around the interests of the State, it is vital to have enforcement mechanism. So it's better to have certain solutions, even of a unilateral but non-forcible nature, rather than not, in order to protect supreme values and international principles.[4]

In some cases, they may also be regarded as having the specific effect of rendering an extraterritorial application of its law by a foreign State, otherwise in conformity with international law, contrary to that law.

If it appears that the application of a jurisdiction by a State is illegal, other States may be able to

[1] "The Extraterritorial Effects of Legislation and Policies in the EU and US". AFET 2012. European Parliament, Report of Directorate-General for External Policies. Pp 21-22

[2] Seyed Yaser Ziae, "Jurisdictional Countermeasures versus Extraterritoriality in International Law", Russian Law Journal, vol. 4, 2016, issue 4, pp. 27-45, p.35

[3] Le Revenu : le site conseil Bourse et Placements. http://www.lerevenu.com/breves/ttip-fekl-sen-prend-lextraterritorialite-des-lois-americaines

[4] Elena Kateselli, "Countermeasures by non-injured States in the law of State Responsibility",

implement their own acts against it. Chapter 2 of Draft Articles on Responsibility of States for Internationally Wrongful Acts describes these acts as "international Countermeasures." Article 49.1 states:' an injured State may only take countermeasures against a State which is responsible for an internationally wrongful act to induce that State to comply with its obligations". Countermeasures acts must not violate principles of the non-use of force, human rights law, humanitarian law, diplomatic and consular law and peremptory norms of international law "*jus cogens"* (Article 50) and they must be an appropriate response to a wrongful act of State (51). In addition, they should call upon the State responsible to fulfill its obligations with the injured State offering to negotiate with the responsible State and suspending all countermeasures acts if the wrongful act has ceased or the dispute is pending before a court or tribunal (Article 52).

Article 22 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts, adopted by the International Law Commission in 2001 provides that: «The wrongfulness of an act of a State not in conformity with an international obligation towards another State is precluded if and to the extent that the act constitutes a countermeasure taken against the latter State in accordance with chapter II of Part III." Articles 49-54 enumerate the conditions of a legitimate countermeasure, which consist of: (a act against an international obligation; (b reversibility of the obligation; (c temporality of the measure; (d respect for peremptory norms of international law '*jus cogens'* (e.g. human rights, humanitarian law, diplomatic immunities); (e proportionality (f notification and offer of negotiation.

Steve Coughlan stresses that if jurisdictional countermeasures are accounted as legitimate countermeasures under international law, this can preclude any wrongfulness in the relations between the injured State and the responsible State. Measures taken against extraterritorial laws are countermeasures when illegality of that extraterritorial law is recognized. As many extraterritorial laws breach principles of international law regarding the law of jurisdiction, they are assumed to be illegal.[1]

But whereas most counteracts are not illegal, they cannot be accounted as countermeasures in a legal context. As the International Law Commission (ILC) emphasizes countermeasures are not to be contrasted with retaliation, i.e. "unfriendly' conduct which is not inconsistent with any international obligation of the State engaging in it, even though it may be a response to any internationally wrongful act.[2]

Although the forbidden ruling in the *Lotus* case had permitted plenary application of jurisdiction, the constant opposition of some States and the issuing of legislations against them indicate illegality of this kind of provision. In such situations, the application of countermeasures is permitted and in this context, some States, such as France, Germany, Mexico, Japan, Canada, UK, Australia, Belgium, Denmark, Finland, Netherlands, Sweden and the EU have promulgated provisions to prevent the effects of illegal extraterritorial foreign laws.[3]

After the European Union had initiated WTO proceedings against the United States in October 1996, on the basis that Helms-Burton Act resulted in an infringement of EU members' rights under the GATT and the General Agreement on Trade and Services (GATS), the US and the EU concluded a Transatlantic Partnership on Political Cooperation and Understanding with Respect to Disciplines for Strengthening of Investment Protection, upon which the EU accepted to suspend the WTO proceedings in return, Title III of Helms-Burton Act will be suspended.[4]

For Seyed Yaser Ziaie, after this compromise, any continuation of the EU's *blocking* and *claw-back statutes* is doubtful as it is against the provisions of negotiations (Article 52-paragraph a (b) and temporality (Article 52-paragraph c (b). These violations only restrict the non-recognition section of EU Regulations where it violates the principles of international law, but other methods of confronting US sanctions do not breach international law and could be accounted as retaliation.[5]

As we mentioned above, countermeasures must fulfill the ILC conditions stated in the Draft Articles on Responsibility of States for Internationally Wrongful Acts. Some of them not only failed to fulfill these prerequisites but also went against international law. In fact, the EU Regulations breached the condition of temporality was breached. The compromise between EU and US, nullified the non-recognition part of the Regulations, but other forms of countermeasures are justified as they do not breach international law.

4. Conclusion

In conclusion, it must be recognized that there are now problems of extraterritorial application of the law on an unprecedented scale and this clearly reflects a certain inadequacy of the traditional conception of the legal order

[1] Steve Coughlan and al., "Global Reach, Local Grasp: Constructing Extraterritorial Jurisdiction in the Age of Globalization", 6 Canadian Journal of Law and Technology, 49 (2007)
[2] Draft Articles on Responsibility of States for Internationally Wrongful Acts of 2001, ILC Commentaries, Ch. II no. 3.
[3] Edward R. Price, "Foreign Blocking Statutes and the GATT: State Sovereignty and the Enforcement of US Economic Laws Abroad", 28 George Washington Journal of International Law and Economics, 1995, pp 315-317
[4] Seyed Yaser Ziae, "Jurisdictional Countermeasures versus Extraterritoriality in International Law", Russian Law Journal, vol. 4, 2016, issue 4, pp. 27-45, p41
[5] Ibid.

in the face of globalization of the economy operated by multinational firms.

It is surprising that the evolution of the law has not gone further and that the rules generally recognized are not crystallized on the international level. The law in this field was formed in a period of intense conflict of systems of interest.

What effect will these laws have? Should judges apply it, while the principle of immunity from jurisdiction of foreign States, attached to the principles of independence, sovereignty and equality of States, is a norm of customary international law? This is a universal rule: A State cannot become a judge of another State without its consent for an act performed in the exercise of its sovereignty.

The US extraterritorial laws will, sooner or later, lead to tough conflicts of sovereignties which can be settled by inter-State arbitration or diplomatic means. But the history of international relations shows that States resort to jurisdictional countermeasures more often than diplomatic protests.

Nevertheless, it would be incorrect to consider that there was no solution to the question of extraterritoriality. On the one hand, certain concerted mechanisms have been created, and on the other hand, we notice an emergence of general principles of law in this field:

1-*Megaphone diplomacy*: the making of public statements regarding a matter of dispute, rather than negotiating directly. Countries or parties which don't see eye to eye about many things, usually meet and discuss their problems, and try to find a solution. Instead of doing this, sometimes, a country may choose to let the other know what it should do through press releases and various announcements. This is known as 'megaphone diplomacy'. The aim is to force the other country into doing what you want them to.

2-Many principles related to jurisdiction derive from international law, such as non-interference in domestic jurisdiction of other States, provided in Article 2(7) of the UN Charter, legality, reasonableness, balance of interests, and other principles existing in jurisdictional treaties like Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, and the Lugano Convention on the Recognition and the Enforcement of Foreign Judgments in Civil and Commercial Matters. Any violation of these principles when applying jurisdiction by a State can hold that State responsible.

References

Books

1-Ian Brownlie,« Public International Law », Oxford 5th Edition 2008
2-James Crawford, « Brownlie's Principles of Public International Law", Oxford, 8th Edition 2012
3-Orde F. Kittrie, "Lawfare: Law As A Weapon of War", Oxford University Press 2016
4-Berta Esperanza Hernandez-Truyol and Stephen Joseph Powell, "Just Trade: A new Covenant linking Trade and Human Rights", New York University Press 2009
5-Brigitte Stern: Les lois Helms-Burton et D'Amato: Une analyse politique et Juridique. Europa Institut der Universitat Saarlandes. 1997
6-Tom Bingham, « The Rule of Law", Penguin Books UK 2011
7-Giumelli F., "The Success of Sanctions: Lessons Learned from the EU Experience (Farnham: Ashgate, 2013).
8- C. Ryngaert, "Jurisdiction in International law" (Oxford: Oxford University Press, 2008)
9-Elena Kateselli, The Problems of Enforcement of International Law:Countermeasures by non-injured States in the law of State Responsibility", Routledge 2010.

Articles

1-Brigitte Stern, "Quelques observations sur les règles internationales relatives a l'application extraterritoriale du droit. », Annuaire français de droit international, vol. 32, 1986, pp. 7-52.
2-Brigitte Stern, « Les champs d'application territoriale des lois de concurrence », Recueil des Cours de l'Académie de Droit International 1969, vol.3, pp 648-676.
3- Brigitte STERN, « Vers la mondialisation juridique ? Les lois HELMS-BURTON et d'AMATOKENNEDY », Revue générale de droit international public, n°4, 1996, pp. 979-1003.
4-Prosper Weil, "Le contrôle par les tribunaux nationaux de la licéité des actes des Etats étrangers », Annuaire français de droit international, vol.23, N0.1, pp. 9-52.
5-Jean-Marc Sorel, "Remarques sur l'application extraterritoriale du droit national a la lumière de la législation américaine récente », Revue juridique de l'Ouest, 1996-4. Pp. 415-440.
6-Brice Glacett, 'Title III of the Helms-Burton Act is Consistent with International Law", AJIL, 1996, vol. 3, p. 434-440.
7-Steve Coughlan and al., "Global Reach, Local Grasp: Constructing Extraterritorial Jurisdiction in the Age of Globalization", 6 Canadian Journal of Law and Technology, (2007), pp 12-44.
8-Edward R. Price, "Foreign Blocking Statutes and the GATT: State Sovereignty and the Enforcement of US Economic Laws Abroad", 28 George Washington Journal of International Law and Economics, 1995, pp 315-317.

9-Seyed Yaser Ziae, "Jurisdictional Countermeasures versus Extraterritoriality in International Law", Russian Law Journal, vol. 4, 2016, issue 4, pp. 27-45.
10-Anthony M. Solis "The Long Arm of US Law: The Helms-Burton Act", Loyola of Los Angeles International and Comparative Law Review, 4-1-1997, pp. 709-741.
11-Frederick-Alexander Mann, "The doctrine of international jurisdiction revisited after twenty years", Collected Courses of The Hague Academy of International Law. Nijhoff Leiden Boston. Vol. 186, pp.9-98.
12-Alexander Layton and Angharad M. Parry, "Extraterritorial jurisdiction-European responses", Houston journal of international law, vol. 26.2, 2004, pp.309-322.
13- Xavier Laureote, « A propos d'illicéité internationale de la loi Helms-Burton », Pouvoirs dans la Caraïbe – PDLC, 11/1999, pp105-132.
14- M. Akehurst, « Jurisdiction in International Law", 46 British Yearbook of International Law, pp 145-217 (1974).
15- H. L. Clark, "Dealing wih US Extraterritorial Sanctions and Foreign Countermeasures", 25(1) The University of Pennsylvania Journal of International Law, pp 455-489 (2004).
16-D. J. Curotto, "Extraterritorial Application of the Antitrust Laws and Regulations and Retaliatory Legislation by Foreign Countries", 11(2) Golden Gate University Law Review, pp 577-608 (1981).
17-A. V. Lowe, "Blocking Extraterritorial Jurisdiction: The British Protection of Trading Interest Act", 1980, 75(2) The American Journal of International Law, pp 257-282 (1981).
18- A. V. Lowe, " Extraterritorial Jurisdiction: The Helms-Burton and D'Amato Acts", 46(2) The International and Comparative Law Quaterly, pp378-390 (1997).
19- Kristina Larsson, « US extraterritorial application of economic sanctions and the new international sanctions against Iran." Master thesis, Master programme in Maritime and Shipping Law. Faculty of Law, Lund University 2011.

Reports

1- "The Extraterritorial Effects of Legislation and Policies in the EU and US". AFET 2012. European Parliament, Report of Directorate-General for External Policies. Pp 21-22
2-Mission d'information parlementaire. Rapport d'information complet sur l'extraterritorialité du droit américain du 5 octobre 2016, by Pierre Lellouch & Karine Berger: *http://www.assemblee-nationale.fr/14/rap-info/i4082.asp*
3-Draft Articles on Responsibility of States for Internationally Wrongful Acts of 2001, ILC Commentaries. Yearbook of ILC 2001, vol. II Part 2.

News Papers

1-Jean-Michel Quarepoint 'Au nom de la loi…américaine. Le Monde Diplomatique, Janvier 2017.
2-TovahLazaroff, "US 'Disappointed UN Rights Council Continues to Single Out Israel'. Jerusalem Post, March 27, 2015.

Websites

1-http://Israel-News/Politics-And-Diplomacy/US-disappointed-UN-rughts-council-continues-to-single-out-Israel-395354
2-Le Revenu : le site conseil Bourse et Placements. http://www.lerevenu.com/breves/ttip-fekl-sen-prend-lextraterritorialite-des-lois-americaines
3-https://www.justsecurity.org/33325/jasta-violate-international-law-2/h
4-http://affaires.lapresse.ca/economie/etats-unis/201406/29/01-4779772-les-etats-unis-sortent-lartillerie-lourde-contre-levasion-fiscale.php
5- Portail de l'IE, Centre de ressources et d'information sur l'intelligence économique et stratégique. https://portail-ie.fr/short/1479/de-lextraterritorialite-des-lois-americaines-une-prise-de-conscience-politique