

The implementation of United Nations sanctions and respect for Human Rights

Background

At the 27th meeting of the CAHDI (Strasbourg, 18-19 March 2004), a number of delegations stressed the utility of a compilation of practices regarding national implementation of United Nations sanctions and suggested that the CAHDI examine this issue. This resulted in the gathering of information on state practice and national (or European union) measures to implement United Nations sanctions in the form of replies to the following questionnaire which was adopted by the CAHDI at its 28th meeting (Lausanne, Switzerland, 12-13 September 2004):

1. Which are the procedures for the incorporation of Security Council Resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level? Is there any relevant case-law?
2. Does the choice depend on the content and the legal nature of the Security Council Resolution?
3. When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?
4. When a Security Council Resolution imposing an export embargo provides for exceptions while not establishing a committee to authorise such exceptions, does the incorporating act appoint a national authority, which is competent to authorise export?
5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?
6. Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights? For example, have national courts assumed jurisdiction in cases where sanctions are challenged by individuals affected by sanctions:
 - a. if implemented through EU regulations?
 - b. if implemented directly at national level?
7. Are there decisions of national courts or state practice concerning the relationship between sanctions towards individuals and the human rights of these individuals?

The database was set up following the 36th meeting of the CAHDI (London, United Kingdom, 7-8 October 2008). It contains the original national contributions providing information on member and observer States' practice, as well as the European Union and the other international organisations with observer status, regarding implementation of UN sanctions at national or regional level. It is regularly updated through the addition of new contributions.

The Secretariat or the Organisation bears no responsibility for the information contained therein which should be attributed solely to the national delegations.ⁱ

ⁱ See Professor Iain Cameron's report: The European Convention on Human Rights, Due Process and United Nations Security Council Counter-Terrorism Sanction, study commissioned by the Secretariat General of the Council of Europe ([CAHDI \(2006\) 22](#)).

See also Professor Bardo Fassbender's report: [Targeted Sanctions and Due Process](#), study commissioned by the United Nations Office of Legal Affairs - Office of the Legal Counsel.