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National Implementation of United Nations Sanctions

A Comparative Study

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National Implementation Of United Nations Sanctions A Comparative Study

Machiko Kanetake



National Implementation Of United Nations Sanctions A Comparative Study:

National Implementation of United Nations Sanctions Vera Gowlland-Debbas, Djacoba Liva Tehindrazanarivelo, 2004

This work is a comparative study of domestic implementation of Security Council mandatory sanctions taken under Article 41 Chapter VII of the UN Charter including the establishment of the two international criminal tribunals the ICTY and ICTR and recent resolutions on the combating of the financing of terrorism The book examines implementation in 16 select States in Europe America Asia the Middle East and Africa underlining also the particular problems arising from sanctions implementation by the European Union by a permanently neutral and former non Member State Switzerland and by States confronted with special economic problems within the meaning of Article 50 of the UN Charter Three interrelated themes are addressed The first of a theoretical nature concerns the question of whether implementation of Security Council resolutions particularly where perceived to be in fulfilment of community objectives poses problems which are in some way distinct from those raised by the implementation of other conventional international law obligations thereby shedding a different light on the traditional relationship between international and municipal law The second concerns the effectiveness of the decisions of the Security Council viewed from the perspective of the effective mise en oeuvre of these decisions in national law The third theme concerns the legitimacy of Security Council resolutions as seen from the viewpoint of domestic legal systems that is the extent to which Security Council decisions encroach on internationally or constitutionally protected individual rights and the potential role played by domestic courts in reviewing the decisions of the Security Council The latter has assumed particular importance in the framework of the combating of the financing of terrorism This work which brings together the research results of 29 academics and experts is the second publication within the framework of a project on Security Council sanctions carried out under the auspices of the Graduate Institute of International Studies The first which looked at a broad set of issues was entitled *United Nations Sanctions and International Law* and was published by Kluwer Law International in 2001

National Implementation of United Nations Sanctions Vera Gowlland-Debbas, 2004-10-01 This work is a comparative study of domestic implementation of Security Council mandatory sanctions taken under Article 41 Chapter VII of the UN Charter including the establishment of the two international criminal tribunals the ICTY and ICTR and recent resolutions on the combating of the financing of terrorism The book examines implementation in 16 select States in Europe America Asia the Middle East and Africa underlining also the particular problems arising from sanctions implementation by the European Union by a permanently neutral and former non Member State Switzerland and by States confronted with special economic problems within the meaning of Article 50 of the UN Charter Three interrelated themes are addressed The first of a theoretical nature concerns the question of whether implementation of Security Council resolutions particularly where perceived to be in fulfilment of community objectives poses problems which are in some way distinct from those raised by the implementation of other conventional international law obligations thereby shedding a different light on the traditional

relationship between international and municipal law The second concerns the effectiveness of the decisions of the Security Council viewed from the perspective of the effective mise en uvre of these decisions in national law The third theme concerns the legitimacy of Security Council resolutions as seen from the viewpoint of domestic legal systems that is the extent to which Security Council decisions encroach on internationally or constitutionally protected individual rights and the potential role played by domestic courts in reviewing the decisions of the Security Council The latter has assumed particular importance in the framework of the combating of the financing of terrorism This work which brings together the research results of 29 academics and experts is the second publication within the framework of a project on Security Council sanctions carried out under the auspices of the Graduate Institute of International Studies The first which looked at a broad set of issues was entitled United Nations Sanctions and International Law and was published by Kluwer Law International in 2001

The United Nations, Peace and Security Ramesh Thakur, 2006-06-08 Preventing humanitarian atrocities is becoming as important for the United Nations as dealing with inter state war In this book Ramesh Thakur examines the transformation in UN operations analysing its changing role and structure He asks why when and how force may be used and argues that the growing gulf between legality and legitimacy is evidence of an eroded sense of international community He considers the tension between the US with its capacity to use force and project power and the UN as the centre of the international law enforcement system He asserts the central importance of the rule of law and of a rules based order focused on the UN as the foundation of a civilised system of international relations This book will be of interest to students of the UN and international organisations in politics law and international relations departments as well as policymakers in the UN and other NGOs

The implementation of international law in Germany and South Africa Mehrdad Payandeh, Silja Vöneky, Dire Tladi, Alexander Proelss, Patrick Vrancken, Leonie Hensgen, Engela Schlemmer, Wolfgang Durner, Lisa Chamberlain, Tumai Murombo, Nicola Wenzel, Lilian Chenwi, Kirsten Schmalenbach, Christopher Gevers, Bonolo Dinokopila, Matthias Herdegen, 2015-07-23 South Africa the power house of the African continent as well as Germany Europe s largest economic power are faced with an intricate maze of international obligations whether related to the United Nations the World Trade Organization the African Union or the European Union EU international human rights law international humanitarian law or any other sub regime of international law The two countries are in a different position when facing the implementation of this maze of obligations South Africa is a developing economy that faces various capacity challenges which at times also impact the manner and extent to which it implements its international treaty obligations Germany on the other hand benefits from comparatively well funded institutes of international law and a well trained academic community which have contributed to the successful implementation of much of international law But as the relevant chapters in this volume show the German case is not without its own complexities As a result an exchange of ideas and experiences pertaining to the implementation of international obligations can prove fruitful for both countries Moreover such an exchange could also serve as a useful point

of departure for other countries in Southern Africa that face similar challenges in relation to implementation The current book explores suitable techniques of implementation of international law by comparing South Africa with Germany After a general overview of the status of international law within Germany and South Africa respectively it focuses on the implementation of international instruments pertaining to key sub areas of international law in the two countries These include the United Nations Charter peace and security the international law of the sea international economic law international environmental law international human rights law international criminal law regional integration and the status of international judicial decisions before domestic courts

Review of the Security Council by Member States Erika De Wet, André Nollkaemper, Petra Dijkstra, 2003 Recent resolutions of the United Nations Security Council notably those resulting in the freezing of assets of individuals and organisations suspected of involvement in international terrorism have had far reaching consequences for member states and individuals In addition they might conflict with international human rights standards that are binding on the Security Council itself In light of the limited possibility for reviewing the legality of these resolutions on the international level individuals have recently begun to challenge their implementation on the national and regional level This emerging practice raises the question whether states and regional organisations such as the EU can engage in such review and if so to what extent

Research Handbook on UN Sanctions and International Law Larissa van den Herik, 2017-07-28 The 1990s have been labeled the Sanctions Decade since they witnessed an unprecedented intensification of the use of collective non military enforcement measures and in particular sanctions by the post Cold War reactivated Security Council This Research Handbook studies the current practice of UN sanctions in international law their interrelationship with other regimes and substantive areas of law as well as issues arising from their implementation and application at the domestic level

Interactions between Regional and Universal Organizations Laurence Boisson de Chazournes, 2016-11-01 Cooperation through international organizations is fundamental to the international legal order International organizations are nowadays ubiquitous and come in many different manifestations each allowing for different levels of international cooperation The profile of regional and universal organizations may vary greatly from one organization to another At the same time they do not live apart and this has led to the creation of a complex network of relationships These relationships have seldom been the object of scholarship and this book seeks to address that gap In general the relationships between international organizations can give rise to such issues as the conditions placed upon one organization by another demarcations of competence membership of other organizations and various forms of collaboration involving the conclusion of agreements between organizations Optimal coexistence cooperation and coherence all play a role in optimizing the relations between international organizations The volume concludes by analysing current challenges including those of legal identity responsibility and accountability as well as making proposals for reform such as through the development of a common law between organizations

Beyond Constitutionalism Nico Krisch, 2012-09-06 Under pressure from

globalisation the classical distinction between domestic and international law has become increasingly blurred spurring demand for new paradigms to construe the emerging postnational legal order The typical response of constitutional and international lawyers as well as political theorists has been to extend domestic concepts especially constitutionalism beyond the state Yet as this book argues proposals for postnational constitutionalism not only fail to provide a plausible account of the changing shape of postnational law but also fall short as a normative vision They either dilute constitutionalism's origins and appeal to fit the postnational space or they create tensions with the radical diversity of postnational society This book explores an alternative pluralist vision of postnational law Pluralism does not rely on an overarching legal framework but is characterised by the heterarchical interaction of various suborders of different levels an interaction that is governed by a multiplicity of conflict rules whose mutual relationship remains legally open A pluralist model can account for the fragmented structure of the European and global legal orders and it reflects the competing and often equally legitimate claims for control of postnational politics However it typically provokes concerns about stability power and the rule of law This book analyses the promise and problems of pluralism through a theoretical enquiry and empirical research on major global governance regimes including the European human rights regime the contestation around UN sanctions and human rights and the structure of global risk regulation The empirical research reveals how prevalent pluralist structures are in postnational law and what advantages they possess over constitutionalist models Despite the problems it also reveals the analysis suggests cautious optimism about the possibility of stable and fair cooperation in pluralist settings

Select Proceedings of the European Society of International Law, Volume 3, 2010 James Crawford, Sarah Nouwen, 2012-01-09 This book continues the series Select Proceedings of the European Society of International Law containing the proceedings of the Fourth Biennial Conference organised by ESIL and the University of Cambridge in 2010 The title of the conference was International Law 1989 2010 A Performance Appraisal The highlights selected for publication in this volume cover a wide spectrum of topics in international law

The UN Security Council and Domestic Actors Machiko Kanetake, 2017-12-01 This book analyses the exercise of authority by the UN Security Council and its subsidiary organs over individuals The UN Security Council was created in 1945 as an outcome of World War II under the predominant assumption that it exercises its authority against states Under this assumption the UN Security Council and those individuals were distanced by the presence of member states that intermediate between the Security Council's international commands and those individuals that are subject to member states domestic law However in practice the UN Security Council's exercise of authority has incrementally removed the presence of state intermediaries and reduced the Security Council's distance to individuals This book demonstrates that this phenomenon has increased the relevance of domestic law in developing the international normative frameworks governing the UN Security Council and its subsidiary organs in safeguarding the rights obligations and interests of those affected individuals This book presents how the UN Security Council's exercise of authority has been received at the

domestic level and what would be the international implications of the Security Council's extensive encounter with the actors who primarily reside in a domestic legal order The Charter of the United Nations Nikolai Wessendorf, 2012-11-22 Since the second edition of this commentary on the Charter of the United Nations was published the text of the Charter may not have changed but the world has. The wars in Iraq and Afghanistan have had a lasting impact on international law and the Commentary has been fully updated to take their impact into account. The new edition has been completely revised and features a completely new chapter on UN reform analyzing the effect of reforms which have already been implemented and examining why other proposals for reform have failed. It will assess how these proposals could be improved with a particular focus on the Security Council. This new edition also includes coverage of the creation of the Human Rights Council and the impact of the Responsibility to Protect doctrine. This is the authoritative article by article account of the legislative history, interpretation and practical application of each and every Charter provision. Written by a team of distinguished scholars and practitioners, this book combines academic research with the insights of practice and is an indispensable work of reference for all those interested in the UN. The Commentary will be crucial in providing new directions for the development of international law and the United Nations in the twenty first century Contemporary Export Control Law of China Deming Zhao, 2024-03-22 This book gives practical and in depth presentation and analysis of the issues under China export control law and economic sanctions regime. This book not only addresses issues faced by the legal entities in China but also attends to the concerns about Chinese extra territorial jurisdiction of China export control law and sanctions legislations on the part of foreign companies. Finally the author shares his experiences on how to structure export control and sanctions compliance under Chinese law on the part of both Chinese and foreign companies Beyond Human Rights Anne Peters, 2016-10-27 A paradigm change is occurring in the course of which human beings are becoming the primary international legal persons. In numerous areas of public international law substantive rights and obligations of individuals arguably flow directly from international law. The novel legal status of humans in international law is now captured with a concept borrowed from constitutional doctrine: international rights of the person as opposed to international law protecting persons. Combining doctrinal analysis with current practice, this book is the most comprehensive contemporary analysis of the legal status of the individual. *Beyond Human Rights* previously published in German and now revised by the author in this English edition not only deals with the individual in international humanitarian law, international criminal law and international investment law but it also covers fields such as consular law, environmental law, protection of individuals against acts of violence and natural disasters, refugee law and labour law *Regulating the Use of Force in International Law* Russell Buchan, Nicholas Tsagourias, 2021-06-25 This book provides a comprehensive and detailed analysis of the nature, content and scope of the rules regulating the use of force in international law as they are contained in the United Nations Charter, customary international law and international jurisprudence. It examines these rules as they apply to developing and challenging circumstances such

as the emergence of non State actors security risks new technologies and moral considerations

Sovereignty in the Age of Global Terrorism Myriam Feinberg, 2016-04-18 Sovereignty in the Age of Global Terrorism The Role of International Organisations analyses the role of international organisations in adopting counterterrorism measures after 9 11 and the impact of these measures on the sovereignty of their Member States The book examines the counterterrorism regimes of the UN and four regional organisations with a special focus on the EU as well as their implementation by their Member States It includes the 2008 Kadi case of the European Court of Justice as case study of the conflicts between legal regimes that have competing mandates to fight terrorism The relevance of the book lies in both comprehending the rationale for international actions against terrorism and the consequences on international law and State sovereignty

Social Issues, Globalisation And International Institutions Virginia A. Leary, Daniel Harry Warner, 2006 This original study examines the extent to which international labour issues have become issue of concern within the European Union the ILO the OECD Organization for Economic Cooperation and Development and the WTO World Trade Organization

International Responsibility Today Maurizio Ragazzi, 2005-05-01 The law of international responsibility a classic area of investigation in international law has been attracting an ever increasing interest in recent times as reflected also in the work of the International Law Commission on State responsibility and on responsibility of international organizations The exploration of current trends in this important area is therefore an appropriate and timely subject for a book in memory of Oscar Schachter a former United Nations official Columbia Law School professor ASIL President and international lawyer of world wide reputation who died in December 2003 The editor of the book has assembled a team of thirty six prominent international lawyers belonging to twenty different nationalities to write about different aspects of the law of international responsibility from general issues to specific areas of the law including responsibility before international courts and tribunals with respect to both the law of State responsibility and responsibility of international organizations and other non State actors The result of this effort is a monographic volume enriched by a biography and a list of publications of Oscar Schachter and accompanied by a bibliography of all the works cited in the various contributions and an index for easier consultation which will be of interest not only to the many admirers and friends of Oscar Schachter around the world but also more broadly to international law academics and practitioners

Research Handbook on Unilateral and Extraterritorial Sanctions Beaucillon, Charlotte, 2021-08-27 Providing a unique analytical framework to capture a diverse fragmented and highly evolving practice the Research Handbook on Unilateral and Extraterritorial Sanctions is the key original reference work covering how sanctions have indisputably become central instruments of foreign policy This discerning Research Handbook combines a series of case studies and cross cutting analyses It reflects the levers and evolution of international law and practice in the field as well as covering important topics over multiple disciplines particularly in international law and international relations Featuring diverse contributions from a selection of esteemed scholars the Research Handbook s chapters provide an unprecedented analysis of the evolution of

diplomatic legal and business practices and tackle topical legal issues arising from unilateral and extraterritorial sanctions Offering a unique panorama of contemporary practice this 360 degree study will be of interest to legal academics and their students as well as practitioners in both the public and private sectors Oppenheim's International Law: United Nations Rosalyn Higgins, Philippa Webb, Dapo Akande, Sandesh Sivakumaran, James Sloan, 2018-12-13 The United Nations whose specialized agencies were the subject of an Appendix to the 1958 edition of Oppenheim's International Law Peace has expanded beyond all recognition since its founding in 1945 This volume represents a study that is entirely new but prepared in the way that has become so familiar over succeeding editions of Oppenheim An authoritative and comprehensive study of the United Nations legal practice this volume covers the formal structures of the UN as it has expanded over the years and all that this complex organization does All substantive issues are addressed in separate sections including among others the responsibilities of the UN financing immunities human rights preventing armed conflicts and peacekeeping and judicial matters In examining the evolving structures and ever expanding work of the United Nations this volume follows the long held tradition of Oppenheim by presenting facts uncoloured by personal opinion in a succinct text that also offers in the footnotes a wealth of information and ideas to be explored It is book that while making all necessary reference to the Charter the Statute of the International Court of Justice and other legal instruments tells of the realities of the legal issues as they arise in the day to day practice of the United Nations Missions to the UN Ministries of Foreign Affairs practitioners of international law academics and students will all find this book to be vital in their understanding of the workings of the legal practice of the UN Research for this publication was made possible by The Balzan Prize which was awarded to Rosalyn Higgins in 2007 by the International Balzan Foundation **The Arms Trade Treaty: A Commentary** Andrew Clapham, Stuart Casey-Maslen, Gilles Giacca, Sarah Parker, 2016-07-28 The United Nations Arms Trade Treaty became binding international law in late 2014 and although the text of the treaty is a relatively concise framework for assessing whether to authorize or deny proposed conventional weapons transfers by States Parties there exists controversy as to the meaning of certain key provisions Furthermore the treaty requires a national regulatory body to authorize proposed transfers of conventional weapons covered by the treaty but does not detail how such a body should be established and how it should effectively function The Arms Trade Treaty A Commentary explains in detail each of the treaty provisions the parameters for prohibitions or the denial of transfers international cooperation and assistance and implementation obligations and mechanisms As states ratify and implement the Treaty over the next few years the commentary provides invaluable guidance to government officials commentators and scholars on the meaning of its contentious provisions This volume describes in detail which weapons are covered by the treaty and explains the different forms of transfer that the Arms Trade Treaty regulates It covers international human rights trade disarmament humanitarian law criminal law and state to state use of force as well as the application of the treaty to non state actors

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