

Database

The implementation of United Nations sanctions

This database contains the original national contributions bringing together information on The implementation of United Nations sanctions



Information on the contribution

Member State

Latvia

Created on

Contribution of 01/03/2007

Permanent link to the contribution

<http://www.cahdidatabases.coe.int/C/UN Sanctions/Latvia/2016/58>

Attachments

- UN Sanctions Appendix
Latvia.pdf

Translations

- No translations

THIS DOCUMENT CAN BE QUOTED AS FOLLOWS:

Database of the CAHDI "The implementation of United Nations sanctions" - contribution of Latvia - 01/03/2007

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?

(March 2007)

As of 1 May 2004, when Republic of Latvia acceded European Union, UN sanctions are implemented within the framework of the Common Foreign and Security Policy (CFSP) by virtue of EU Common Positions and EC Regulations. EC Regulations are binding in their entirety and directly applicable within all member states of EU and accordingly impose an obligation for member states to apply. Thus, sanctions apply automatically.

The measures that are not within the competence of the EC and must be dealt with on a national level are arms embargoes and restrictions on admission.

Accordingly, the arms embargoes are implemented on national level by virtue of Cabinet of Ministers Regulations No 538 on Classification and Utilization of Arms, Munitions, Special Means, Explosives, Blasting Gadgets and Pyrotechnic Products of 23 September 2003 as well as Regulation EC No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology. According to Article 93 (4) of the Regulations concerned, the Committee of Control of Strategic Goods shall not issue special licences for export and transit of fire-arms, their munitions, component parts and auxiliary devices, provided that the export and transit can come into conflict with international obligations, namely, sanctions imposed by UN Security Council, decisions of OSCE on non-proliferation of arms, sanctions imposed by European Union, as well as other contracts with regard arms control and disarmament.

Restrictions on admissions are partly governed by virtue of Regulation (EC) No 539/2001 listing third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, providing the basis for controls on admission of foreigners. Where a listed country's nationals need visas to enter the EU, a ban on admission can be immediately applied on the basis of this Regulation. Where no visa requirement exists under Regulation (EC) No 539/2001, restrictions on admission may require national action, namely adoption of Regulations of the Cabinet of Ministers.

An essential introduction established in the newly adopted Law On the Implementation of the Sanctions imposed by the International Organisations in the Republic of Latvia of 26 October 2006 is the appointment of particular institutions for implementation of particular sanction regimes. The Law sets three kinds of restrictions (sanctions) – financial, civil and admission. Furthermore, particular institutions are responsible for the implementation of these sanctions – Financial and Capital Market Commission (implementation of the sanctions regarding financial restrictions), Ministry of Justice (implementation of the sanctions regarding civil restrictions) and Ministry of Interior (implementation of the sanctions regarding admission restrictions).

The implementation of UN Security Council Resolutions has not given rise to constitutional or other legal problems on national level in the Republic of Latvia. There is no relevant case law of the issue concerned.

(The unofficial translation of the Law On the Implementation of the Sanctions imposed by the International Organisations in the Republic of Latvia of 26 October 2006 enclosed).

2. Does the choice depend on the content and the legal nature of the Security Council Resolution?

The only difference arises from the measures that fall under EC or national competence as stated above.

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?

As the UN Security Council resolutions imposing sanctions are implemented by the virtue of EC Regulations, the sanctions are in force until the date provided therein or until the Regulations are repealed.

If sanctions imposed by UN Security Council were implemented by virtue of national law, a national law would be needed to repeal those accordingly.

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?

EC Regulations as the incorporating acts provide lists of competent authorities, which are empowered to grant exemptions.

5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?

It is a common practice to draft EC Regulations in accordance with the details of the particular sanctions regime.

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?

So far there have not been any cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights.

7. Are there decisions of national courts or state practice concerning the relationship between sanctions towards individuals and the human rights of these individuals?

So far there have not been any decisions of national courts or separate practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals.