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JAPAN

- 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?**

It is an obligation for Japan to implement the decisions of the Security Council including those imposing sanctions, according to Article 25 of the UN Charter that "[t]he Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter" as well as paragraph 2 of Article 98 of the Japanese Constitution, which provides that "[t]he treaties concluded by Japan and established law of nations shall be faithfully observed."

The method of incorporating Security Council resolutions imposing sanction is not comprehensively provided for in domestic law. They are incorporated into domestic legal order through legal instruments such as law, cabinet order, or ministerial ordinance. The choice of these legal instruments is depends upon the contents and the legal nature of each resolution as well as the relevant domestic laws and regulations: if necessary, a new legislation will be made.

No constitutional or other legal problems have yet arisen in implementing Security Council resolutions until now.

The implementation of Security Council resolutions is obligatory as far as they contain the Council's decisions. It is within each Member State's discretion to implement other parts of the Resolutions.

- 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 When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?**

As long as no specific provision exists, sanctions imposed for a fixed period of time are not repealed automatically even after the period and require normative action to invalidate them. In the case of an export embargo measure, for instance, the term of sanctions is dealt by the revision of the appendix list of the Export Trade Control Order.

- 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?**

According to the Foreign Exchange and Trade Law and the Export Trade Control Order under the law, permission or approval by the Minister of Economy, Trade and Industry is required to export targeted substances. A Security Council resolution imposing sanctions, in general, provide that a Member State should acquire approval by the committee established by the Resolution to export exempted goods, materials or other substances. If that is the case, the Minister of Economy,

Trade and Industry would hold or reject any application for exporting goods or others to be exempted until the committee approves the exceptions.

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

Sanctions Committee decisions specifying Security Council sanctions are incorporated into domestic legal order through an amendment (revision) to the appendix lists of relevant laws and orders, and through promulgation or an amendment of the notifications by relevant Ministries in accordance with related laws and orders.

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 directed towards individuals and the human rights of these individuals?

There has been no case where an act incorporating sanctions into the domestic legal order was challenged in court for being in violation of human rights. It is assumed, however, that national courts would have jurisdiction over such cases if they are raised.