

September 2013

UKRAINE

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?

As a Party to the Charter of the United Nations, Ukraine conscientiously complies with the provisions of its Article 25 under which the members of the United Nations agree to accept and carry out the decisions of the Security Council.

In Ukraine the implementation of sanctions imposed by the Security Council on states whose activities pose a threat to international peace and security is governed by a number of legal acts, namely:

- *laws of Ukraine*:

Article 17 of Law of Ukraine "On Foreign Economic Activities" No. 959-XII of 16 April 1991 envisages that in Ukraine export of goods from its territory shall be forbidden in order to observe the decisions of the Security Council on the application of restrictions and embargo on supply of goods to a particular state.

In accordance with Article 10 of Law of Ukraine "On the State Control over International Transfers of Military and Dual-Use Commodities" No. 549-IV of 20 February 2003, state export control shall be also exercised over an export of goods which, pursuant to the resolutions of the Security Council, are under a full or partial embargo.

- *Decree of the President "On the Procedure for Imposition (Cancellation) of Restrictions on Export of Goods in Accordance with the International Obligations of Ukraine"* No. 861/99 of 15 July 1999; Under the Regulations on the Procedure for Ensuring the Implementation of the UN Security Council Decisions Imposing (Cancelling) an Embargo on Goods adopted by the above mentioned Decree, the Security Council decisions imposing embargo on export of goods are incorporated into the legislation of Ukraine through resolutions of the Cabinet of Ministers of Ukraine.

- *resolutions of the Cabinet of Ministers of Ukraine on the implementation of Security Council resolutions*¹.

Under these resolutions the bodies of executive power of Ukraine are obliged, within the limits of their competence, to ensure the implementation of the Security Council resolutions regarding imposition of sanctions, including the implementation of the provisions concerning imposition of embargo on export of goods.

The subjects of foreign economic activities and officials of Ukraine bear responsibility for violating embargo stipulated in Security Council resolutions in accordance with the legislation of Ukraine.

2. Does the choice depend on the content of the Security Council resolution?

The choice of incorporation of such Security Council resolutions into the legislation of Ukraine does

¹For instance, Resolution of the Cabinet of Ministers of Ukraine "On the implementation of the resolutions of the Security Council of the United Nations concerning the Sudan" No. 29 of 18 January 2006, Resolution of the Cabinet of Ministers of Ukraine "On the implementation of the resolutions of the Security Council of the United Nations concerning Islamic Republic of Iran" No. 1092 of 5 September 2007, Resolution of the Cabinet of Ministers of Ukraine "On the implementation of the resolutions of the Security Council of the United Nations concerning Libyan Arab Jamahiriya" No. 302 of 18 April 2012, Resolution of the Cabinet of Ministers of Ukraine "On the implementation of the resolutions of the Security Council of the United Nations concerning Eritrea" No. 382 of 17 May 2012", etc.

not depend on their content. They are incorporated into the domestic legislation through the resolutions of the Government mentioned in question 1.

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?

With a view to lifting Security Council sanctions, including those that are imposed for a fixed period of time, which is not renewed, in Ukraine the Cabinet of Ministers of Ukraine shall issue a resolution by which the relevant governmental resolution imposing such sanctions is abolished.

4. When a Security Council regulation imposing an export embargo provides for exceptions while not establishing a committee to authorize such exceptions, does the incorporating act appoint a national authority which is competent to authorize export?

In the resolutions, mentioned in question 1, the Cabinet of Ministers of Ukraine determines the bodies of state authority which, within the limits of their competence, have to ensure their implementation. As a rule, these bodies are the Ministry of Economic Development and Trade, the Ministry of Defence, the Ministry of Internal Affairs, the Ministry of Infrastructure, Ministry of Finance, the Ministry of Revenue and Taxes, State Service of Export Control, State Border Guard Service, etc. As a result, if a Security Council Sanctions Committee is not established, the necessity of appointing a special national authority which is competent to authorize export does not arise.

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

The resolutions of the Cabinet of Ministers of Ukraine on the implementation of Security Council resolutions contain provisions concerning necessity of taking particular measures towards natural and legal persons designated by a Security Council Sanctions Committee. Commonly, such measures may include ban on direct or indirect supply, sale or transfer of specific goods and assistance to such persons; prevention of their entry into or transit through the territory of Ukraine; arrest on funds, other financial assets and economic resources which are in the territory of Ukraine and which are owned or controlled by them; ensuring that no funds, financial assets or economic resources are made available by Ukrainian nationals or by any natural or legal persons within the territory of Ukraine to such persons.

Furthermore, the resolutions may envisage that the bodies of executive power shall report to the Ministry of Foreign Affairs on progress in implementation of decisions and instructions of Security Council Sanctions Committees.

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?

No data available.

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

No.