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ALBANIA

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?

The Albanian Constitution regulates the relation between the internal and international law in the Republic of Albania. According to its article 5, the Republic of Albania applies international law that is binding upon it and article 122, para. 3 stipulates that "The norms issued by an international organisation have superiority, in case of conflict, over the laws of the country if the agreement ratified by the Republic of Albania for its participation in the organisation expressly contemplates their direct applicability". In this respect considering that article 25 of the United Nations Charter obliges the Members of the United Nations to accept and carry out the decisions of the Security Council, the resolutions once approved in principle are directly applicable in the Republic of Albania.

As regards the resolutions imposing sanctions, a normative act of the Council of Ministers might be enacted for the implementation of the sanctions.

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

According to article 122 of the Constitution, for the direct application of the Security Council resolutions it is required that:

- the resolutions are accessible for the public;
- the resolutions provide for self execution.

In case the resolution is not considered self executed, it is necessary the adoption of normative legal acts for their implementation.

E.g. as regards the resolutions imposing arms embargo, according to a regulation of the Ministry of Defense, which administers the military armament in the Republic of Albania, it is explicitly prohibited the import/export of the arms and other military equipments to/from countries upon which the Security Council resolutions impose arms embargo.

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 When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?

If the sanctions are imposed for a fixed period of time they are tacitly repealed within the internal legal order and no normative action is required.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?

The normative act which implements a resolution imposing sanctions normally appoints the authority or authorities responsible for the implementation of the act. This authority (authorities) is

responsible for the authorization of the exceptions in case the resolutions do not establish a committee and the exceptions are provided in the resolution.

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

The authority responsible for the implementation of the Security Council regulations takes into considerations and is guided by the decisions of the Sanctions Committee.

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.

According to the data of the Ministry of Justice there have not been cases where the act was challenged in court.