



February 2008

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

- 1. Which are the procedures for the incorporation of SC Resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way?**

The Law on International Restrictive Measures of the Republic of Macedonia (LIRM), adopted in March 2007 and applicable from 1st of June 2007 is the Macedonian legal framework for the implementation of the international restrictive measures imposed by binding UN Security Council Resolutions¹.

In accordance with LIRM, UN sanctions imposed by binding UN Security Council Resolutions are incorporated through decisions, adopted by the Government of the Republic of Macedonia, upon a proposal by the Ministry of Foreign Affairs. Pursuant to the Article 4 of the LIRM, the decision for the implementation of the international restrictive measure-s as a formal act stipulate the competent authority-ties within the state administration for the implementation of the international restrictive measure-s as well as other individuals or legal persons designated for the purposes of implementation of the restrictive measures; the methods of the implementation of the international restrictive measure-s; the exceptions to the restrictive measure-s indicated in the SC Resolution or other acts as provided in the LIRM (See footnote 1) and the methods of cooperation as well as the exchange of information among the competent authority-ties. These decisions enter into force by virtue of their publication in the Official Gazette of the Republic of Macedonia.

So far, the implementation of the international restrictive measures has shown the necessity of further coordination among the competent authorities. Therefore, an intergovernmental body is to be established to insure that the LIRM is implemented in a most efficient manner.

- 2. Does the choice depend on the content of the SC Resolution?**

The national procedures of implementation of the UN sanctions do not differ in respect to the content of the UNSC Resolution. However, the modalities for implementation of the UN sanctions depend on the content of the restrictive measure and are specified in the decision adopted by the Government of the Republic of Macedonia.²

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 When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?**

Where a SC Resolution imposes sanctions for a fixed period of time, the regulation adopted by the Government will follow the same rule. Once the period for which it was set up expires, the regulation automatically ceases to be in force. In such a case, no legislative action is required.

- 4. When a SC Resolution 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?**

The Government of the Republic of Macedonia when adopting a decision on implementation of the

¹ The Law on International Restrictive Measures applies also to the implementation of the restrictive measures included in a Common Positions, adopted by the Council of the European Union and the implementation of regulations, adopted by other international organizations, whereto the Republic of Macedonia is a member-state, in accordance with the international law.

² See also answer to question 1.

international restrictive measure authorizes the competent authority-ties within the state administration for implementation of the international restrictive measure.

Article 6 of the LIRM designates the competent authorities:

“(1) Competent authorities of the state administration for implementation of the restrictive measures are:

- The Ministry of Economy, in case of embargo on goods and economic relations;
- The Ministry of Interior, the Ministry of Defense and the Ministry of Foreign Affairs, in case of arms embargo;
- The Ministry of Interior and the Ministry of Foreign Affairs, in case of travel bans;
- The Ministry of Finance, in case of financial measures and financial relations;
- The Ministry of Transport and Communications, in case of railway, air and postal communications and
- The Ministry of Foreign Affairs, in case of partial or total suspension of the diplomatic relations.

(2) The competent authority within the state administration referred to in Paragraph 1 of this Article is bound to designate a responsible person in charge of monitoring and providing information on the implementation of the restrictive measure, as well as informing the Ministry of Foreign Affairs on matters concerned.”

As for the subject matter, the Ministry of Economy, as a competent authority in case of embargo on goods and economic relations³, is empowered to grant exceptions to export embargo.

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

The national implementation procedure by definition incorporates the decisions of SC Sanctions Committee. The decisions specifying SC sanctions or setting conditions for their activation are drafted accordingly and constitute integral part of the decision on the implementation the UN sanction-s respectively.

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 towards individuals and human rights of these individuals?

To date, there is no relevant case law on the point in question 6 and 7.

³ According to the Law on International Restrictive Measures, embargo on goods means ban on export and import of goods, raw materials, technology transfer and activities related to the trade of goods, object to the embargo.