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NORWAY

- 1. Which are the procedures for the incorporation of Security Council resolutions imposing sanctions in 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?**

The obligation to comply with binding Security Council resolutions is an obligation under international law, which is only binding on Norway as a state. Private individuals and companies are not directly bound by such resolutions. Norway's dualistic system requires that if these resolutions are also to be binding on private individuals and companies, this must be provided for in national law.

Section 1 of the Act of 7 June 1968 relating to the implementation of mandatory decisions of the Security Council, provides the legal basis for the King in Council to issue such regulations as are necessary for the implementation of such decisions. The relevant provision in Section 1 of the Act states that:

"The King is authorised to take such decisions as are necessary in order to implement mandatory decisions of the Security Council of the United Nations."

The Act applies only to binding resolutions, not recommendations. Moreover, this Act presupposes the adoption of a Royal Decree in order to implement the resolution concerned. The responsibility for implementing UN sanctions lies with the Ministry of Foreign Affairs.

The enabling provision in the Act is worded in such a way that it authorises the implementation of all binding resolutions adopted by the Security Council regardless of the provision of the UN Charter invoked in the resolution. The Act does not specify what measures might be required. The aim was to be able to cover any measure that could be the subject of a binding resolution. It is the Government who makes the final decision as to whether a resolution is binding. The courts may not review such decisions.

Norway has consistently complied with the binding resolutions adopted by the Security Council through the adoption of implementing regulations in accordance with the above Act. New sanctions regimes are normally implemented in domestic law within two weeks after the Security Council decision, whereas amendments to existing regimes only take a few days to implement. The definitions and wording used in the incorporating domestic regulations are virtually identical to that in the UNSCR.

In addition to the 1968 Act, the Act of 18 December 1987 relating to control of the export of strategic goods, services and technology (Ekspportkontrolloven), apply to all arms embargoes adopted by the UN Security Council. On the basis of this act, the King in Council has adopted regulations relating to the implementation of control of the export of strategic goods, services and technology (hereinafter referred to as the Regulations). Pursuant to section 1 of these regulations, permission from the Ministry of Foreign Affairs (an export licence) is required for the export of certain goods and appurtenant technology. Permission is also required for export of specific technology and certain services.

The implementation of Security Council resolutions has not given rise to constitutional or other legal problems at national level. There is no relevant case law of any significance related to these issues.

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

The regime is uniform irrespective of the content or legal nature of the UNSCR.

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

As a general rule, a normative action is required. We have, however, enacted regulations that have been time-limited, and thus tacitly repealed.

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 Act of 18 December 1987 relating to control of the export of strategic goods, services and technology, the King in Council may decide that all exports of such material shall not be exported from the Norwegian customs area without special permission.

On the basis of this act, the King in Council has adopted Regulations No. 51 of 10 January 1989 relating to the implementation of control of the export of strategic goods, services and technology (hereinafter referred to as the Regulations). Pursuant to section 1 of these regulations, permission from the Ministry of Foreign Affairs (an export licence) is required for the export of certain goods and appurtenant technology. Permission is also required for export of specific technology and certain services.

In cases of doubt, the Ministry will decide whether or not the goods or technology is subject to the licensing requirement. A licence is always required for export of any goods, technology or service for military purposes to areas where there is a war or the threat of war, or to countries where there is a civil war.

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

This is not a requirement in the Norwegian system.

In Norwegian regulations, the need for specifying the scope of the provisions has been solved by inserting a footnote with the link to the Sanctions Committee web-site where for example the list of persons subject to travel restrictions is to be found.

6. Have there been cases where the act incorporating the 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?

No.

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?

No.