

THE UN SANCTIONS AND THE PROCEDURES OF IMPLEMENTATION ACCORDING TO THE LAW ON INTERNATIONAL RESTRICTIVE MEASURES OF THE REPUBLIC OF MACEDONIA AND REPUBLIC OF CROATIA

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Summary

The UN sanction measures are a set of enforcement tool for conducting international peace, safety and security that do not involve the use of armed force. Usually, there are a few types of UN sanctions which can be imposed in variety forms.

In R. Macedonia the Law on International Restrictive measures of the Republic of Macedonia, for the first time was adopted in March 2007, and later in March 2011 a new Law on International Measures was brought. In R. Croatia the Law on International Restrictive measures of the Republic of Croatia was adopted in November 2008. The procedures, the implementation and the legal framework, are based on their Laws and internal acts, UN Council Resolution and Regulations.

Key words: *UN sanctions, Law on international restrictive measures, national procedure*

Introduction

According to the United Nation Charter, Chapter VII *The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.*¹ Trying to build and maintain the international peace a safety and to uphold respect for human rights and rule of law, The Security Council (SC) may under Article 41 decide to use measures not involving the use of armed force and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. Finally, Security Council may under Article 42 decide to use armed

¹Article 39, UN Charter.

force.² United Nations (UN) member states have accepted to carry out the Security Council decisions, meaning that these decisions are binding upon states under international law. The focus of this paper are non-arm measures (sanctions) based on Article 41 of the Charter and their implementation in two Members of the United Nations (Croatia and Macedonia).

When The United Nation Security Council agrees to impose a non-arm measure (sanction), what follows is a Resolution which is legally binding for the all Members of the United Nations. The SC Resolution imposes sanction for fixed period of time and they list the individuals, entities and companies. This paper focus on the implementation of sanctions in two Members of the United Nations (Croatia and Macedonia), of which one is the Member State of the European Union and the other is a candidate state for membership in the EU. Bearing in mind *sui generis* nature of the European Union in international legal order this paper will examine is there a difference in the UN sanction implementation in EU Member States and non EU Member State

The implementation of the sanction in the member states of the United Nations

Article 41 UN Charter stipulates that measures not involving the use of armed force may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. It is important to mention that the list of measures in Article 41 is not *numerus clauses* and the Security Council can supplement them with other measures any time if it finds it necessary.³ In the first 20 years of the UN there was almost no use of the sanctions under Article 41, moreover till the end of the “cold war “ they were used only two times in 1965 against South Rhodesia and in 1977 against South Africa.⁴ Systematic use of the sanctions started with Iraq invasion of Kuwait. On the day of the Iraqi invasion of Kuwait, the United States issued two

² Article 41 and 42 UN Charter. See more in: Sima, B.; Khan, D.E.; Paulus, A.(2012). The Charter of the United Nations, A commentary, Oxford Commentaries on International Law. Oxford: Oxford University Press; Eisemann, P.M. (1991). Article 41. In: J.P. Cot, A. Pellet (eds.), La Charte des Nations Unies. Commentaire article par article, Paris, pp. 691-704.

³ Lapaš, D. (2004). Sankcija u međunarodnom pravu, Zagreb: Pravni fakultet u Zagrebu, p. 208. Wallenstein,P. (ed) (2003), Making Targeted Sanctions Effective-Guidelines for the Implementation of UN Policy Options.New York: Coronet Books.

⁴ Gill, T.D. (1995). Legal and some political limitations on the power of the UN Security Council to exercise its enforcement powers under Chapter VII of the Charter. *Netherlands Yearbook of International Law*, Vol. 26 Issue 1, p 48 – 49; Kreczko, A.J. (1980).The Unilateral Termination of U.N. Sanctions Against Southern Rhodesia by the United Kingdom. *Virginia Journal of International Law*, Vol. 21, Issue 1, pp 97 – 128; Johnson, D. L. (1978). Sanctions and South Africa. *Harvard International Law Journal*, Vol. 19, pp. 887–930.

sanctions: an embargo on trade and froze the United States-based assets of Iraq and Kuwait. What followed was the United Nations Security Council voted 13 to 0, with Cuba and Yemen abstaining, to follow the United States' initiative by requiring all Member of the United Nations to impose similar sanctions in accordance with a United Nations resolution.⁵ Afterwards, and specifically in the last two decades, the sanctions have been frequently used.⁶

Frequent use of sanctions (UN non-arm measures) had a breakthrough after 9/11 attack, meaning that there was a need of a technical action of the United Nation Security Council to make a Consolidated Sanctions List. This List, designating individuals and entities as terrorists or as financiers of terrorism, is formulated by the U.N. Al-Qaida/Taliban Sanctions Committee (Committee).⁷ Originally, the Committee's mandate was on reporting issues regarding the Taliban, but over the time the Committee's mandate magnified to maintaining a list of individuals and entities associated with Al-Qaida, and finally, to maintain the list of terrorists globally.⁸

The Consolidated Sanctions List includes all individuals and entities subjects to who sanctions/ restrictive measures are imposed by the Security Council. This UN List is composed of two sections: for individuals and entities and other groups in alphabetical order. The first reference to a "consolidated list" came in March 2001 in a press release that listed the names of 156 individuals and 17 entities. It came to be known in the media as the "blacklist".⁹ Till now the consolidated list consists of 602 Individuals and 381 Entities and other groups.¹⁰ The updated consolidated list is treated like public

⁵ Grammas, G. N. (1991). Multilateral Responses to the Iraqi Invasion of Kuwait: Economic Sanctions and Emerging Proliferation Controls. *Maryland Journal of International Law*, Vol. 15 Issue 1, pp 2 – 20.

⁶ See in detail: Lapaš, D. (2004). *Sankcija u međunarodnom pravu*, Zagreb: Pravni fakultet u Zagrebu, p. 213 – 226.

⁷ The Sanction Committee was established by S.C. Res. 1267, U.N. Doc. S/RES/1267 (Oct. 15, 1999) (establishing the Security Council Committee and imposing limited air embargo and financial embargo on the Taliban). The Committee is composed of the fifteen Security Council members who are obliged to ensure implementation of measures, to designate funds or other financial resources of the Taliban, and to consider requests for exemptions from the measures imposed. See also: U.N. Sec. Council, Al-Qaida and Taliban Sanctions Committee, Guidelines of the Committee for the Conduct of Its Work, Dec. 9, 2008, http://www.un.org/sc/committees/1267/pdf/1267_guidelines.pdf [hereinafter Guidelines].

⁸ Munshani, K. (2010). The Essence of Terrorist Finance: An Empirical Study of the UN Sanctions Committee and the UN Consolidated List, *Michigan State Journal*. Vol 18, Issue 2, p 236.

⁹ Portela, C. (2010). National implementation of United Nations sanction, *International Journal*, Vol. 65 Issue 1, pp 13-30., http://cadmus.eui.eu/bitstream/handle/1814/14437/International_Journal_Portela.pdf?sequence=1

¹⁰ For more see: <https://www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list>, last opened October 2015.

information with an open access, so everyone who has interest may search the data directly on the official site of the UN or send an e-mail to ask questions or leave comments about the listed individuals, companies or entities. The imposed sanctions have fix period of time and delisting request should be made after that period expire. In 2006 the UN Security Council decided to create a focal point where the listed individuals, companies and other entities can apply for de-listing.¹¹

The national procedure of implementation of the United Nations sanctions in the Republic of Macedonia

Republic of Macedonia became a member state of the United Nation in 1993 after the General Assemble adopted the Resolution.¹² The national procedure of implementation of UN sanctions is according to the Law on international restrictive measures. As a member state of the United Nations, the implementation of the sanctions in accordance with Chapter VII of the Charter, is international legal obligation. Croatia and Macedonia, more or less, have similar procedures concerning the implementation of UN sanction (restrictive measures)¹³. Hence, we may define the procedure in a few steps:

- Decision on restrictive measure
- Integral parts of the restrictive measures
- Bodies responsible for the implementation of the restrictive measure
- Types of restrictive measures
- Enforcement
- Monitoring (Visibility)

According to the Macedonian Law on International Restrictive Measures,¹⁴ Article 2, paragraph 1, the restrictive measures which have been adopted on the basis of *legally binding Resolutions adopted by the United Nations Security Council under Chapter VII of the united Nations Chapter*.

¹¹ Keller, H.; Fischer, A. (2009). The UN Anti-terror Sanctions Regime under Pressure, Human Rights Law Review, Vol. 9, Issue 2, p 257 – 266; For more see Security Council resolution 1730 (2006); <http://www.un.org/sc/committees/dfp.shtml>.

¹² A/RES/47/225; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/240/37/IMG/N9324037.pdf?OpenElement>.

¹³ Both Croatian and Macedonian law refer to restrictive measures in their laws, term „restrictive measure“ comprehends the term „sanction“ as a term often used in international law.

¹⁴ Article 2, Law on restrictive measures on R. Macedonia, Official Gazette No.36/11 from 23.03.2011.

The first Law on International Restrictive Measures was adopted in 2007,¹⁵ and the actual Law on International Restrictive Measures (Hereinafter: the Law) get into force in 2011. We may say that the procedure according to the Macedonian Law has some specifics comparing with the Croatian Law on restrictive measures.

The procedure of adopting and implementing the restrictive measures (sanctions)¹⁶ does not require additional legislation to adopt the measures into the national law. The sanctions, usually, are adopted as they are imposed by UN Security Council. The Resolution is translated by the domestic authorities and incorporated into national law, after it had been published. The Law stipulates the procedure of implementation the sanctions step by step. Upon the proposal of the Ministry of Foreign affairs, the Government will adopt the Decision in which will define the type of the sanctions, bodies responsible for the implementation of the sanctions, the manner of the implementation and the duration. The Law prescribes the relevant authorities which are competent (administrations from the executive government) for the implementation of the restrictive measures. The input is given by the Ministry of foreign affairs, and after that the government decides for its acceptance and brings a Decision. The competent authority for the implementation of the Decision depends on the type of the restrictive measure that is imposed (Example: In case of embargo on goods and services the competent authority is the ministry of economy, in case of arms embargo – The Ministry of Defense and the ministry of Foreign Affairs, in case of financial measures – The Ministry of Finance, in case of ban on entry into and transit trough R. Macedonia or partial or full termination of the diplomatic relations – the authority body is the Ministry of Foreign affairs. In practice, there are a few types of sanction: Arms embargos, Economic and Financial sanctions (import and export bans), Restrictions and admission (visa and travel embargos for individuals).¹⁷ In theory we may differ many types of sanctions depends of the nature of the sanctions, of the binding effect of the sanction, according to the subject that imposes and according to the entities that are imposed, etc. The time frame for the sanction is defined in the Resolutions, so usually, it automatically gets in force for the set up period into the Decision. Also there is an appendix from the original Resolution attached to the Decision. The adopted Decision and the appendix are published in the Official Gazette of the Republic of Macedonia.

The implementation of the Law gives Macedonian contribution to the process of creating and preserves international peace and security, respect for

¹⁵ Law on international restrictive measures, on R. Macedonia, Official Gazette No.36/07 from 23.03.2007

¹⁶ Following the Charter of the United Nations, in this paper, we will use the term sanction.

¹⁷See Council report on restrictive measures from 2014: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/135804.pdf

human rights and freedoms, development of democracy and the rule of law at the national, regional and global levels.

The Ministry of Foreign Affairs on its website publishes a Register of decisions for implementation of the sanctions.¹⁸ From this Register we are able to see that the most frequent types of imposed sanctions are: arm embargo, financial measures and banned travel for natural persons. This Register should be refreshed every time when a new sanction is imposed.

The practice has showed that in order to cancel this phenomenon, and in order to prevent probable future consequences, they inform the relevant institutions as soon as the Resolution of the United Nations is brought, so the authorized institutions for execution of the decision in national law, “upon call” and take necessary precautions for the subjects on the sanction List. For example, if a legal entity that is upon financial restrictive measure and wants to make a transfer through Macedonian bank (financial institution), the bank is obliged to inform the Ministry of Financial Affairs, the Agency for protection money laundry and financing terrorism, the National Bank of RM and the other relevant authorities. Of course, this collaboration is left to *bona fide* of the financial institution till the moment of the implementation of the sanction at national level.

The practice has showed that there is a time gap regarding the period from the bringing of the Resolution of the United Nations till the implementation in Macedonian legislation. In some cases the implementation of the Decisions is late for several months.

In this context we should mention that the legislator protected itself regarding the implementation of the Decision of the Government, in a way that he inserted an article that obliges all natural and legal persons, state bodies or bodies of local government that have information or data that a sanction is not being implemented, should immediately react and inform the Ministry of Foreign Affairs.¹⁹

The national procedure of implementation of the UN Sanctions in Republic of Croatia

The Republic of Croatia was admitted as a Member of the United Nations by General Assembly in 1992.²⁰ Since then, through various forms of peacekeeping missions and specialized UN agencies such as UNICEF, the

¹⁸ While writing this paper his register was unavailable, for this purpose a hard copy was provided.

¹⁹ See Article 7, paragraph 2 Law on restrictive measures on R. Macedonia, Official Gazette No.36/11.

²⁰ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N92/353/11/IMG/N9235311.pdf?OpenElement>

World Health Organization (WHO), United Nations Development Programme (UNDP), UNHCR, and bodies and organizations that work in the UN system such as the International Criminal Tribunal for the former Yugoslavia (ICTY), Croatia has been actively in correlation with UN. Finally, it is important to mention that Croatia was elected a non-permanent member of the UN Security Council for two-year term on 1 January 2008.

The Croatian Act on International Restrictive Measures (further: “Act”) has been adopted in 2008, and latest amendments date from 2014 (after the Croatian’s accession to the EU).²¹ This Act regulates the procedure of introduction, application and abolition of international restrictive measures that the Republic of Croatia introduces, applies and abolishes in line with legal acts and decision adopted within the framework of the European Union.²² All the UN Security Council resolutions are enforced by the EU due to the commitments undertaken by the Chapter VII of UN Charter, also the EU may reinforce UN sanctions by applying stricter and additional measures and finally, where the EU deems it necessary, EU may impose autonomous measure.²³

All the EU restrictive measures (sanctions) are imposed in accordance with the principles of the Common Foreign Security Policy (CFSP). On the EU level the restrictive measures (sanction) adaptation process is defined in the Treaties. In order for EU to adopt or implement restrictive measure the Council first adopts a CFSP Decision under Article 29 TEU. The measures foreseen in that Council Decision are: implemented at EU or at national level. Measures such as arms embargoes are implemented directly by the Member States, which are legally bound to act in conformity with CFSP Council Decisions. Other measures interrupting or reducing economic relations with a third country, including measures freezing funds and economic resources, are adopted under Article 215 TFEU which provides that the Council adopts a Regulation, acting by qualified majority, on a joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission. Such Regulations are binding and directly applicable and they are subject to judicial review by the Court of Justice of the European Union. CFSP Council Decisions providing for restrictive measures against natural and

²¹ The Croatian Act on international restrictive measures (Official Gazette 41/2014)

²² Article 1 The Croatian Act on international restrictive measures (Official Gazette 41/2014) < <http://www.mvep.hr/files/file/2012/MMO/annex26.pdf>>

²³ See more in: Marossi, A. Z.; Bassett, M. R. (2015). *Economic Sanctions under International Law Unilateralism, Multilateralism, Legitimacy, and Consequences*, Springer; Poretela, C. (2010). *European Union sanctions and Foreign Policy: when and why did the work*. London: Routledge; Eckes, C. (2012). *Decision making in the Dark? Autonomous EU Sanctions and National Classification*, Amsterdam Centre for European Law and Governance Research Paper No. 2012-02, June 4. 2012; Anthony, I. (2002). *Sanction applied by the European Union and United Nation*“, Stockholm international Peace research Institute Yearbook, pp 203-228

legal persons are also subject to judicial review.²⁴ There are several types of measures which are interrupting or reducing economic relations with a third country: asset freeze or economic and financial sanction against natural or legal persons and groups or non-State entities. This type of sanctions aimed at individuals or companies are known as targeted, or smart sanctions because they are aimed at specific individuals or companies, rather than, for example putting an embargo on all trade with a particular country.²⁵

Latest amendment in The Croatian Act on international restrictive measures is in line with the EU legislation. The amendment in the Article 4 provides that EU restrictive measures are legally binding in Croatia from the date of entry into force of the EU restrictive measure, except when the Council Decision on restrictive measure provides that Member States have competence to decide on the specific issues at national level.²⁶

The Government of the Republic of Croatia may issue a Regulation on the implementation of the EU restrictive measure (if it is in line with Article 4(1) of the Act) which can contain the type of the restrictive measure, the manner of its application, the duration period, jurisdiction and exemptions. Previously, Article 4 of the Act 138/2008 authorized the Government of the Republic of Croatia to issue a decision on the introduction of restrictive measures, prescribing the application of the restrictive measures on a case-by-case basis and determining the type of the restrictive measure, the manner of its application, the duration period and supervision of its application.²⁷

First of all, the Government of the Republic of Croatia was previously empowered to introduce the restrictive measures, while now it is only empowered to implement EU restrictive measures. Moreover, if the Council Decision or Regulation allows, the Government can determine the type of the restrictive measure, the manner of its application, the duration period, jurisdiction and exemptions, while previously the Government had a right to supervise the application of the restrictive measure, which is today under EU

²⁴ Article 29 TEU, 215 TFEU, 275(2) TFEU, see more in literature: Hillion, C. (2014). Fighting terrorism through the EU Common Foreign and Security Policy in I. Govaere and S. Poli (eds) Management of global emergencies, threats and crises by the European Union. Brill/Nijhoff.

²⁵ Drezner, D. W. (2011). Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice, *International Studies Review*. Vol. 13, pp 96–108; Tridimas, T.; Guterrex-Fons, JA. (2008). EU Law, International Law, and Economic Sanctions against Terrorism: The Judiciary in Distress Fifty Years of European Community Law Part III; *Fordham Int'l LJ*, p 660; Birkhäuser, N. (2007). Sanktionen des Sicherheitsrats der Vereinten Nationen gegen Individuen. Lang, Peter Bern.

²⁶ Article 4 The Croatian Act on international restrictive measures (Official Gazette 139/2008) < <http://www.mvep.hr/files/file/2012/MMO/annex26.pdf>> Zakon o izmjenama i dopuni zakona o međunarodnim mjerama ograničavanja (Official Gazette 41/2014) http://narodne-novine.nn.hr/clanci/sluzbeni/2014_03_41_730.html

²⁷ Article 4 The Croatian Act on international restrictive measures (Official Gazette 138/2008)

jurisdiction. It is evident that prior to EU membership Croatian Government had more sovereignty in this field of national security. The question remains open are all the EU Member States national restrictive measures (sanction) regulations in line with obligations brought under the Treaty to respect EU restrictive measures.

For the purpose of the EU sanction harmonization among Member States the EU has issued Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy which in detail proscribes the legal procedure of the Council imposed restrictive measures and calls upon Member states to harmonise their national legislation. Croatian revision of the Croatian Act on International Restrictive Measures is in line with for mentioned Guidelines.²⁸ Finally, all the EU sanctions (EU autonomous sanctions or EU additions to UN sanctions) are reviewed at regular intervals to ensure measures are adjusted as needed, in line with developments affecting the stated objectives and the effectiveness of the measures. The list is updated every six months and in Croatian it is available on the web site of the Ministry of foreign affairs as well as it is available on the official EU web pages.²⁹ It can be concluded that Croatia is respecting the obligations under the EU law and is respecting complete EU sanction list.

Some relevant provision of Croatian and Macedonian legal regulation on restrictive measures

	Macedonian law	Croatian Act before membership (138/2008)	Croatia Act currently in force (41 /2014)
Decision on restrictive measure	Article 6 Upon the proposal of the Ministry of Foreign affairs, <i>the Government will adopt the a Decision</i>	Article 4 The Government of the Republic of shall <i>issue a decision on the introduction of restrictive measures</i>	Article 4 The Government of the Republic of Croatia may issue a <i>Regulation on the implementation of the EU</i>

²⁸ Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy 11205/12 <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2011205%202012%20INIT>

²⁹ Restrictive measures (sanctions) in force < http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf>, Croatian Ministry of Foreign and European Affairs < <http://www.mvep.hr/sankcije>>; Consolidated list of persons, groups and entities subject to EU financial sanctions < http://eeas.europa.eu/cfsp/sanctions/consol-list/index_en.htm >

	<i>introducing a restrictive measure,</i>		restrictive measure in accordance with EU restrictive measure in question
Integral parts of the restrictive measures	<p>the type of restrictive measure;</p> <p>the manner of implementation of a restrictive measure;</p> <p>the duration of the restrictive measure</p> <p><i>bodies responsible for the implementation of a restrictive measure, according with their respective legally prescribed competences;</i></p>	<p>type of the restrictive measure,</p> <p>the manner of its application,</p> <p>the duration period</p> <p><i>supervision of its application</i></p>	<p>the type of the restrictive measure,</p> <p>the manner of its application,</p> <p>the duration period,</p> <p><i>jurisdiction and exemptions</i></p>
Bodies responsible for the implementation of the sanctions	<p><i>Case by case in the decision</i> e.g.</p> <p>In case of embargo on goods and services the competent authority is the ministry if economy, in case of arms embargo – The Ministry of Defence and the ministry of Foreign Affairs, in case of financial measures – The Ministry of</p>	<p>Article 5</p> <p><i>Standing Coordination Group for Monitoring the Implementation of International Restrictive Measures</i> to monitor and coordinate application of the restrictive measures referred to in this Act</p> <p>+ Government decision on the</p>	<p>Article 5</p> <p>No changes</p>

	Finance, in case of ban on entry into and transit through R. Macedonia or partial or full termination of the diplomatic relations – the authority body is the Ministry of Foreign affairs.	determination of public authorities responsible for overseeing the implementation of international restrictive measures established by EU law (Official Gazette 150/2011)	
Types of restrictive measures	Article 2 Restrictive measures shall be: a) goods and service embargo; b) arms embargo; c) ban on entry in the Republic of Macedonia; d) financial measures; and e) other restrictive measures in accordance with international law.	Article 2 Restrictive measures are: a) restrictions or obligations towards states, international organisations, natural and legal persons and other entities that may be comprised by international restrictive measures laid down in legal acts of the United Nations, the European Union or the European Community and other international organisations which are binding for the Republic of Croatia, and b) restrictions or obligations introduced by the Republic of Croatia in another manner, in line with international law or the law of the European Union.	No changes

		<p>(2) Restrictive measures may be as follows:</p> <p>a) severance of diplomatic relations,</p> <p>b) total or partial termination of economic relations,</p> <p>c) total or partial restriction of import, export, transit, provision of services, and of transport, mail and other communications,</p> <p>d) arms embargo,</p> <p>e) restriction upon entry into the country,</p> <p>f) restricted disposal of assets, and</p> <p>g) Other measures in line with international law.</p>	
Visibility	<p>Article 14 The Ministry of Foreign Affairs shall keep a Registry of Decisions of the Government of the Republic of Macedonia referred to restrictive measures</p> <p>The Ministry of Foreign Affairs on its website publishes a Register of decisions for</p>	<p>Article 6 Database <i>on restrictive measures</i>, natural and legal persons and other entities to whom the restrictive measures apply</p> <p>+ <i>Government Decision on the on establishing the Database on restrictive measures, natural and legal persons and other entities to whom the</i></p>	<p>Article 6 Database on the <i>implementing restrictive</i> measures, natural and legal persons and other entities to whom the restrictive measures apply</p> <p><i>still no Government Decision in line with the</i></p>

	implementation of the sanctions	<i>restrictive measures apply</i>	<i>amendments in Article (6)</i> ³⁰
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The date provided brings further conclusions: Macedonian Government can introduce restrictive measures while Croatian Government can only implements EU restrictive measures. Integral parts of the restrictive measures are more or less similar, only difference is that Croatian Act has more categories that can be defined, which can be seen as an advantage bearing in mind the fact that an Act with more detail brings more clarity for the person or any entity it refers to. In Macedonia in each Government decision a bodies responsible for the implementation of the sanctions is defined, while in Croatia there is a permanent Government decision on the determination of public authorities responsible for overseeing the implementation of international restrictive measures. It can be noted that Macedonian practice goes in line with the individuality of each Decision, which is always useful for the protection of procedural rights – case by case decision is the best way to asses each case systematically and choose the best body for the implementation. On the other hand, Croatian practice gives a legal certainty but it can also produce a negative impact on the case by case situation whereas each restrictive measure is different and it aims at different targets although it belongs to one type of sanctions. Mostly used types of sanctions in international law are defined in Croatian and Macedonian Act and the list finishes with the: other measures in line with international law, meaning that this is an open list.

Conclusion

The UN sanctions are a legal instrument which legally bounded all member states to the United Nations. R. Macedonia and R. Croatia are countries that give a serious effort to improve their multilateral relationship and contribute to promotion of the fundamental human rights, peace-keeping and fighting against terrorism. The implementation of the Law on restrictive measures in the national procedure is crucial so they could fulfil the objectives, the principles of the international security and peace and effective cooperation among member States. For that need they have adopted Laws and a set of legal acts that will empowered the state bodies to implement the Decisions into domestic law.

What can be concluded is that there was more similarity in Croatian and Macedonian law on restrictive measures prior to Croatian’s accession to

³⁰ All parts that are different in Macedonian and Croatian law, as well as (Croatian law 2008 and 2014) are marked in bold and italic.

the European Union. Both countries are obliged by the international law to apply the UN Security Council decision but, Croatia has no jurisdiction to introduce autonomous restrictive measures. Croatia can only implement EU restrictive measures, while Macedonia (in theory) can introduce a restrictive measure. It can be concluded that Croatia has a double obligation: to EU and to the UN regarding implementation of restrictive measures, while Macedonia has more sovereignty in this field (e.g. if the Macedonian Government decides so, they can introduce a restrictive measure to any country, legal or natural person in the world, while Croatia has to wait for the restrictive measure to be accepted in the EU legal procedures and afterwards Croatia must implement it). On the other hand, EU restrictive measures (28 Member States) have more impact than restrictive measure introduced just by one country (e.g. Macedonia), it can be expected that Macedonia will after the accession process introduce similar amendments in national law regarding restrictive measures.

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