Elements of Nordic Practice 2003–2004: Finland

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1. Introduction

This report includes selected parts of Finnish state practice in the field of international law in 2003 and 2004. As in the previous reports published in this journal, treaty relations are illustrated with lists of treaties that have entered into force with respect to Finland during the reporting period. In addition, a review of the objections to reservations to treaties is included. The report also includes examples of Finnish legislation related to international law.


2.1. Legislation Adopted by Virtue of the Sanctions Act

Sanctions imposed by the UN Security Council and the EU are implemented at the national level by virtue of the Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union (‘Sanctions Act’, Act No 659/1967 as amended by Act No 824/1990, 705/1997, 191/2000, 882/2001 and 364/2002). The Act provides a basis for prompt implementation of provisions of Council sanctions regulations that are adopted on the basis of Article 60, 301 or 308 of the Treaty establishing the European Community. In situations where the Security Council resolutions are not implemented through EU Council regulations,

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2 All translations of legislation are unofficial.
the Act provides for a possibility to implement binding Security Council resolutions through a government decree on the enforcement of obligations arising from the applicable resolution. For practical reasons, and in order to avoid undesired parallel legislation, national decrees are not issued if the implementing Council regulation is expected to be adopted.

Certain government decrees that had been adopted in the 1990s by virtue of the Sanctions Act to implement UN Security Council resolutions had since become obsolete due to corresponding EU legislation. Thus, in 2002 and 2003 action was taken to repeal the government decrees concerning sanctions against Liberia, Sierra Leone, Somalia, Angola and Iraq,3 all adopted by virtue of the Sanctions Act.

In cases where the EU is not considered to have competence to adopt implementing legislation, national decrees can still be issued by virtue of the Sanctions Act. This was done in 2003, when a government decree4 was issued to implement at the national level the provisions of Security Council resolution 1483(2003) concerning the transfer of funds to the Development Fund for Iraq, since the implementation of such an obligation did not fall within the Community competences.

2.2. Notifications of the Ministry for Foreign Affairs on Penal Provisions Applicable to Violations of Sanctions Regulations Referred to in Section 2a of the Sanctions Act5

In 2003, the Ministry for Foreign Affairs issued three notifications informing of the entry into force of the following EC regulations on sanctions against third countries or individuals or entities: Council Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia;6 Council Regulation (EC) No 1030/2003 concerning certain restrictive measures

3 The decrees were repealed by the following government decrees: Liberia, decree of 7 November 2002/906; Sierra Leone, decree of 7 November 2002/907; Somalia, decree of 7 November 2002/908; Angola, decree of 19 December 2002/1232 and Iraq, decree of 28 May 2003/414. The government decree concerning Iraq (No 414/2003) was issued after the adoption of the Security Council resolution 1483(2003) that provided for the lifting of the sanctions against Iraq (except the arms embargo) and imposed new measures, in particular financial sanctions.

4 Decree of 26 August 2003/757.
