

community, including Canada, over the past few years; identify general principles which should be considered when evaluating the probable costs and effects of specific sanctions; and draw conclusions applicable to future actions.

II LEGAL INSTRUMENTS AND CANADIAN PRACTICE

The main legal instruments available to the Canadian government with respect to sanctions are the following:

- the Special Economic Measures Act (SEMA);
- the Immigration Act;²
- the United Nations Act (UNA);
- the Export and Import Permits Act (EIPA);
- the Customs Tariff.

The scope of these laws varies. The following is a summary of their provisions:

- **SEMA:** authorizes the government to impose a wide range of economic sanctions against another nation in response to a serious threat to international peace or security, or in response to a call by an organization of which Canada is a member, should such an organization determine that a country's behaviour violates international standards and recommend sanctions. These measures may relate to the import or export of goods and services (including financial services), the seizure or freezing of the target country's assets, technology transfers, or air and sea links.³ The Act allows for applications for compensation by affected parties in Canada to be considered without imposing any legal requirement on the government to act upon such applications.

² It should be noted, however, that the objectives of the Canadian Immigration Act do not allow for our immigration policy to be used to impose or promote international sanctions. In some cases, however, administrative decisions made under the Act can bolster sanctions imposed by Canada. For example, the range of services offered in a given country can be restricted and that country's nationals can be asked to go to a Canadian mission located in another country; however, their visa applications will still be judged on the same legal criteria. Similarly, extending authorized stays in Canada or suspending deportations to a given country can serve to indirectly support sanctions, as long as the reasons are based on immigration policy. The requirement that all applications to enter Canada be judged on criteria which do not infringe the anti-discrimination provisions of the Canadian Charter of Rights and Freedoms further restricts the use of the Immigration Act to support sanctions.

³ In some cases, these measures would be taken under laws governing specific sectors or activities, such as the Bank Act, Financial Institutions Act, Insurance Companies Act, Transport Act, etc.