制裁與出口管制：聯合國措施、俄羅斯與次級制裁

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

貿易樞紐賴以生存的是貨物、船舶及款項的流動自由。制裁的作用，正是阻止其中部分流動。新加坡的港口為各大經濟體處理貨物，其銀行及貿易商每天與俄羅斯、中國、伊朗的鄰國、海灣地區及西方的交易對手往來。因此，對新加坡而言，制裁法不僅是合規課題。它界定了大國意見分歧時，這個城市站在哪一方。新加坡作為獨立國家的大部分歷史中，都以一條規則回答這個問題：它只執行聯合國安全理事會的制裁，不執行其他制裁。2022年2月俄羅斯入侵烏克蘭，促成了四十多年來首個重大例外。

本章探討一個處於東西方之間的樞紐所面對的制裁格局。本章首先討論新加坡藉以實施聯合國制裁的法律機制，以及界定其限度的案例法。接着分析2022年針對俄羅斯採取的措施及其後的發展。第三節轉向美國及歐洲的制度；新加坡並不執行這些制度，但它們透過美元、代理銀行業務及合約，約束新加坡的銀行、貿易商及船東。本章其後探討海事層面，由新加坡周邊水域的船對船轉駁，以至運載受制裁石油的影子船隊，最後以戰略物資管制作結。

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與日內瓦卷的比較貫穿全章。日內瓦卷的制裁一章，以瑞士聯邦委員會2022年2月28日決定採納歐洲聯盟對俄羅斯的制裁開首，並以路易十一的敕令作結；路易十一於1462年以王室法令切斷了日內瓦市集的往來。新加坡在同一天宣布其本身的措施，但它是單獨行動，運用自己的工具，範圍亦較窄。這項差異反映了對同一問題的兩種回答。一個依靠由他人決定的流動而生存的貿易地點，必須決定在多大程度上與那些能夠中斷這些流動的強國保持一致。

要點

新加坡透過《2001年聯合國法》（United Nations Act 2001）、新加坡金融管理局（MAS）為金融機構訂立的規例，以及由新加坡關稅局執行的貿易管制，實施聯合國安全理事會的制裁。按政策，新加坡並不執行其他國家採納的單邊制裁。2022年2月28日及3月5日宣布的對俄措施是罕見的例外：措施禁止向俄羅斯出口軍用物品及若干電子、電腦及電訊物品，並禁止金融機構與四家俄羅斯銀行交易，以及為俄羅斯新發行的國債提供融資。美國、歐洲及英國的制裁透過美元、代理銀行、保險公司及合約交易對手間接觸及新加坡，使這些制裁在新加坡具有商業約束力。新加坡周邊水域的船對船轉駁，以及運載俄羅斯及伊朗石油的影子船隊不斷擴大，令海事風險成為合規的核心課題。《2002年戰略物資（管制）法》（Strategic Goods (Control) Act）自2003年1月1日起生效，管制軍用及軍民兩用物品的出口、轉運、過境、中介及無形轉移。

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Author contact: Dr Alexander Ressos, TEP · contact@ressos.com

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