

# Enforcement of Security Council Resolutions: The Judgment of the Administrative Court of Berlin in the *City Hostel* Case

MAX JÜRGENS\*

## I. Introduction

The judgment of the Administrative Court of Berlin (*Verwaltungsgericht Berlin*) in the *City Hostel* case<sup>1</sup> exemplifies the interplay of public international law, particularly international sanctions law, with European law and German municipal law. The court held that an order against a German private limited company prohibiting its commercial use of a building owned by the Government of the Democratic People's Republic of Korea (North Korea, DPRK) may be based on German general police and public order law, if the use of the building violates European Union (EU) sanctions law. The court specified the content of the prohibition by equating the extent of EU sanctions against North Korea with the wide-ranging measures imposed by several United Nations (UN) Security Council Resolutions.<sup>2</sup>

The case is a rare instance in which UN Security Council (UNSC) Resolutions were enforced at a municipal level. It shows the transformation of international sanctions into European law and municipal enforcement.

At the same time, the judgment has implications for Germany's practice in international law: In line with the jurisprudence of the European Court of Justice (ECJ), expressed in its judgments on targeted sanctions in *Kadi*<sup>3</sup> and (more recently)

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\* Attorney-at-law in Hamburg and Doctoral Candidate at Goethe University Frankfurt. The views expressed reflect entirely the personal views of the author.

<sup>1</sup> Administrative Court of Berlin (*Verwaltungsgericht Berlin*), Judgment of 28 January 2020, 4 K 135.19, reprinted in: Beck RS 2020, 408. (All translations by the author).

<sup>2</sup> UN Security Council (UNSC) Res. 1718, 14 October 2006; UNSC Res. 1874, 12 June 2009; UNSC Res. 2087, 22 January 2013; UNSC Res. 2094, 17 March 2013; UNSC Res. 2270, 2 March 2016; UNSC Res. 2321, 30 November 2016; UNSC Res. 2371, 5 August 2017; UNSC Res. 2375, 11 September 2017; UNSC Res. 2397, 22 December 2017.

<sup>3</sup> European Court of Justice (ECJ), *Yassin Abdullah Kadi and Barakaat International Foundation v. Council and Commission (Kadi)*, Joined Cases C-402/05 and C-415/05 P, Judgment, 3 September 2008, ECLI:EU:C:2008:461, at para. 326.