EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 98


The purpose of the proposed Regulations is to implement Australia’s obligations under United Nations Security Council Resolutions 1493 (28 July 2030) and 1552 (27 July 2004). These resolutions require States to implement an arms embargo on certain militia groups operating in the Democratic Republic of the Congo (DRC). The arms embargo relates to the supply, sale or transfer of arms and related materiel, and the provision of any assistance, advice or military training to all foreign and Congolese armed groups and militias operating in North and South Kivu and Ituri provinces of the DRC and to groups in the DRC which are not party to the relevant peace agreement (“the Global and All-inclusive Agreement).

Australia generally implements arms embargoes under regulation 13E of the Customs (Prohibited Exports) Regulations 1958 administered by the Australian Customs Service.

The proposed Regulations would cover those aspects of the sanctions imposed by Resolutions 1493 and 1552 which cannot be implemented under existing regulations. These would include extraterritorial aspects of the sanctions. The proposed Regulations would place a prohibition on Australian nationals from providing arms or related materiel, or assistance, advice or military training to armed groups in the DRC which would violate the sanctions. The proposed Regulations would also prohibit the use of Australian ships or aircraft for the provision of arms or related materiel to relevant groups in the DRC which would violate the sanctions.

The relevant United Nations Security Council Resolutions can be found on the UN website (www.un.org). Australia has an obligation under Article 25 of the United Nations Charter to carry out decisions of the Security Council. All relevant Commonwealth Government Departments were consulted prior to the drafting of these proposed Regulations.