

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 301

Issued by the Authority of the Minister for Foreign Affairs

Charter of the United Nations Act 1945

Charter of the United Nations (Sanctions – Rwanda) Regulations 2006

The purpose of the Regulations is to implement Australia's obligations under United Nations Security Council Resolution (UNSCR) 918 adopted on 17 May 1994 and UNSCR 1011 adopted on 16 August 1995. These Resolutions were adopted by the Security Council under Article 41 of Chapter VII of the Charter of the United Nations, and the measures are binding on Australia pursuant to Article 25.

Under the above Resolutions, Australia, as a UN Member State, must take necessary measures to prevent the sale of arms or related matériel to Rwanda. Previously, Australia implemented this arms embargo against Rwanda under the *Charter of the United Nations (Sanctions - Rwanda) Regulations 1994*. These Regulations were repealed by the *Charter of the United Nations (Sanctions) Amendment Regulations 2006 (No. 1)*. The *Charter of the United Nations (Sanctions – Rwanda) Regulations 2006* will ensure consistent implementation of UN sanctions into Australian law.

Regulation 7 of the Regulations would prohibit “conducts that assists, or results in, the sale or supply of arms or related matériel to any recipient in Rwanda”. Regulation 8 would prohibit an Australian aircraft or ship to be used “in a way that assists, or results in” the activities prohibited by regulation 7.

Regulations 7 and 8 of the Regulations would not apply in respect of sale or supply of arms and related matériel to the Government of Rwanda, provided such a sale or supply “is not for the purpose of resale, resupply or transfer to, or use by, any other party”. However, the sale or supply of such items must be notified in advance to the United Nations Security Council Committee established under paragraph 14 of UNSCR 918 to administer the Rwanda sanctions regime.

These Regulations should be read in conjunction with regulation 13E of the *Customs (Prohibited Exports) Regulations 1958* administered by the Australian Customs Service, which sets out Australia's general defence exports control regime.

The relevant United Nations Security Council Resolutions can be found on the UN website (www.un.org).

The Regulations are a legislative instrument for the purpose of the *Legislative Instruments Act 2003*. The Regulations commenced the day after they were registered. An exemption from the provision of a Regulation Impact Statement has been granted because the Regulations implement a non-discretionary international obligation.