EXPLANATORY STATEMENT

Select Legislative Instrument 2011 No. 138

Charter of the United Nations Act 1945

Charter of the United Nations (Sanctions – Cote d’Ivoire) Amendment Regulations 2011 (No. 1)

The purpose of the Regulations is to amend the Charter of the United Nations (Sanctions – Cote d’Ivoire) Regulations 2008 (the Principal Regulations) to implement further United Nations Security Council (UNSC) sanctions in relation to Cote d’Ivoire.

Section 6 of the Charter of the United Nations Act 1945 (the Act) provides, in part, that the Governor-General may make regulations for, and in relation to, giving effect to decisions that the UNSC has made under Chapter VII of the Charter of the United Nations (the Charter) that Article 25 of the Charter requires Australia to carry out, in so far as those decisions require Australia to apply measures not involving the use of armed force.

The Regulations amend the Charter of the United Nations (Sanctions – Cote d’Ivoire) Regulations 2008 (the Principal Regulations) to implement UNSC sanctions in relation to Cote d’Ivoire.

The Principal Regulations give effect in Australia to sanctions obligations arising from UNSC resolution 1572 (2004), obligations which were expanded and renewed by UNSC resolutions 1643 (2005), 1727 (2006), 1893 (2009) and 1946 (2010). Resolution 1980 (2011) was adopted under Chapter VII of the Charter of the UN on 28 April 2011 and the measures are binding on Australia pursuant to Article 25 of that Charter.

Two paragraphs of resolution 1980 contain obligations requiring amendments to the Principal Regulations. Paragraph 8 provides for the supply of vehicles to be subject to the arms embargo imposed by paragraph 7 of resolution 1572. Paragraph 9 provides for the exemption procedure to the arms embargo set out in paragraph 8(e) of resolution 1572 to only apply to arms and related materiel, vehicles, and the provision of technical training and assistance in support of the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government and subject to approval in advance by the Sanctions Committee.

No public consultation was undertaken in relation to the Amendment Regulations and the Principal Regulations as they implement Australia’s international legal obligations arising from decisions of the UNSC.

Resolution 1980 was adopted under Article 41 of Chapter VII of the Charter and the measures are binding on Australia pursuant to Article 25 of that Charter. The relevant UNSC resolutions can be found on the UN website (www.un.org).

Details of the Amendment Regulations are set out in the Attachment.
Details of the *Charter of the United Nations (Sanctions – Cote d’Ivoire)* Amendment Regulations 2011 (No. 1)

**Regulation 1 – Name of the Regulations**

Regulation 1 provides that the name of the Regulations is the *Charter of the United Nations (Sanctions – Cote d’Ivoire) Amendment Regulations 2011 (No. 1).*

**Regulation 2 – Commencement**

Regulation 2 provides that the Regulations commence on the day after they are registered.

**Regulation 3 – Amendment of the *Charter of the United Nations (Sanctions – Cote d’Ivoire)* Regulations 2008**

Regulation 3 provides that Schedule 1 amends the *Charter of the United Nations (Sanctions – Cote d’Ivoire)* Regulations 2008.

**Schedule 1 – Amendments**

[1] **Regulation 5, not including the heading**

Item [1] substitutes a new definition of the term ‘export sanctioned goods’, such that the term means (a) arms or related materiel; and (b) vehicles.

[2] **Paragraph 10 (2) (e)**

Item [2] replaces paragraph 10 (2) (e) to allow the Minister to authorise the making of a sanctioned supply where the sanctioned supply is a supply of arms or related materiel or vehicles that is intended solely for the support of the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government and approved in advance by the Committee established pursuant to paragraph 14 of UNSC resolution 1572.

[3] **Subparagraph 10 (2) (f) (ii)**

Item [3] adds a semicolon and the word ‘or’ to subparagraph 10 (2) (f) (ii) to accommodate item [4], which inserts a new paragraph 10 (2) (g).

[4] **After paragraph 10 (2) (f)**

Item [4] inserts a new paragraph 10 (2) (g) to allow the Minister to authorise the making of a sanctioned supply where the sanctioned supply is a supply of vehicles other than to the Ivorian security forces.

[5] **Subparagraph 13 (2) (c) (i)**

Item [5] replaces subparagraph 13 (2) (c) (i) to allow the Minister to authorise the provision of a sanctioned service where the sanctioned service is the provision of technical training and assistance that is intended solely for the support of the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government and approved in advance by the Committee established pursuant to paragraph 14 of UNSC Resolution 1572.