

Charter of the United Nations Sanctions Regulations (Repeal) 2002 2002 No. 35

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 35

Issued by the Authority of the Minister for Foreign Affairs

Subject: *Charter of the United Nations Act 1945,*

Charter of the United Nations Sanctions Regulations (Repeal) 2002

Section 6 of the *Charter of the United Nations Act 1945* provides that the Governor-General may make regulations for and in relation to giving effect to decisions that: (a) the Security Council has made under Chapter VII of the *Charter of the United Nations*; and (b) 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 purpose of the *Charter of the United Nations Sanctions Regulations (Repeal) 2002* Regulations is to repeal the regulations which implemented sanctions against Eritrea and Ethiopia, the Federal Republic of Yugoslavia (FRY) and Libya.

The *Charter of the United Nations (Sanctions - Eritrea and Ethiopia) Regulations 2000* implemented the arms embargo and other sanctions imposed on those two countries by Security Council Resolution (SCR) 1298 of 17 May 2000. Those sanctions expired on 16 May 2001 and the Security Council issued a presidential statement on 15 May 2001 to the effect that they would not be renewed. Accordingly, the Regulations repeal those Regulations.

The *Charter of the United Nations (Sanctions - Federal Republic of Yugoslavia) Regulations 1998* implemented the sanctions required by SCR 1160 of 31 March 1998 in relation to Kosovo. SCR 1367 of 10 September 2001 terminated the remaining sanctions against the FRY. Accordingly, the Regulations repeal those Regulations.

The *Charter of the United Nations (Sanctions - Libya) Regulations 1994* implemented the sanctions imposed against Libya by Security Council Resolution 748 of 31 March 1992 and SCR 883 of 11 November 1993. Those sanctions related to the Lockerbie aircraft bombing. SCR 1192 of 27 August 1998 decided that the sanctions would be suspended immediately if the Secretary-General reports to the Council that the two Libyans accused of the bombing had arrived in the Netherlands for the purpose of trial. On 8 April 1999 the Security Council noted that the conditions under SCR 1192 had been fulfilled and the sanctions were suspended from that date. As section 8 of the *Charter of the United Nations Act 1945* provides that the Regulations cease to have effect when the obligation imposed by the Security Council ceases, the Regulations would have to be re-enacted should the sanctions be re-imposed. Accordingly, the Regulations repeal the *Charter of the United Nations (Sanctions - Libya) Regulations 1994*.

The proposed Regulations would commence on gazettal.