

EXPLANATORY STATEMENT
Select Legislative Instrument 2006 No. 299

Issued by the Authority of the Minister for Foreign Affairs

Charter of the United Nations Act 1945

Charter of the United Nations (Sanctions) Amendment Regulations 2006 (No. 1)

The purpose of the Regulations is to amend various Regulations under the *Charter of the United Nations Act* to give domestic effect to United Nations Security Council Resolutions amending, refining or updating existing sanctions regimes. The Resolutions under consideration 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.

Further, the purpose of the Regulations is to amend various Regulations under the *Charter of the United Nations Act* to ensure consistency in the domestic implementation of United Nations Security Council sanctions regimes.

The Regulations will amend the following Regulations: *Charter of the United Nations (Sanctions – Cote d’Ivoire) Regulations 2005*, *Charter of the United Nations (Sanctions – Democratic Republic of the Congo) Regulations 2005*, *Charter of the United Nations (Sanctions – Liberia) Regulations 2002*, *Charter of the United Nations (Sanctions – Sierra Leone) Regulations 1997*, *Charter of the United Nations (Sanctions – Sudan) Regulations 2005* and *Iraq (Reconstruction and Repeal of Sanctions) Regulations 2003*. The proposed Regulations will repeal the *Charter of the United Nations (Sanctions – Rwanda) Regulations 1994*.

The *Charter of the United Nations (Sanctions – Cote d’Ivoire) Regulations 2005* are amended to clarify the exceptions to the prohibition on the sale or supply of arms or related matériel to any recipient in Cote d’Ivoire and the prohibition on the provision of assistance, advice or training relating to military activities to any recipient in Cote d’Ivoire. Further amendments prohibit dealing in an asset or making an asset available to a person or entity designated by the Security Council Committee established under operative paragraph 14 of Security Council Resolution 1572 (2004) to administer the Cote d’Ivoire sanctions. Such persons and entities will be listed on the Department of Foreign Affairs and Trade website. The amendments prohibit the importation of rough diamonds into Australia from Cote d’Ivoire.

The *Charter of the United Nations (Sanctions – Democratic Republic of the Congo) Regulations 2005* are amended to expand the prohibition on the sale or supply of arms or related matériel to any recipient in the Democratic Republic of the Congo (DRC) and the prohibition on the provision of assistance (including financing and financial assistance), advice or training relating to military activities to any recipient in the DRC. Further amendments clarify the exceptions to these prohibitions. The *Charter of the United Nations (Sanctions – Democratic Republic of the Congo) Regulations 2005* are amended to prohibit dealing in an asset or making an asset available to a person or entity designated by the Security Council Committee established under operative paragraph 15 of Security Council Resolution 1596 (2005) to administer the DRC sanctions. Such persons and entities will be listed on the Department of Foreign Affairs and Trade website.

The *Charter of the United Nations (Sanctions – Liberia) Regulations 2002* are amended to clarify the exceptions to the prohibition on the sale or supply of arms or related matériel to any recipient in Liberia and the prohibition on the provision of technical training or other assistance in relation to the provision, manufacture, maintenance or use of arms or related matériel to any recipient in Liberia.

The *Charter of the United Nations (Sanctions – Sierra Leone) Regulations 1997* are amended to clarify the exceptions to the prohibition on the sale or supply of arms or related matériel to any recipient in Sierra Leone.

The *Charter of the United Nations (Sanctions – Sudan) Regulations 2005* are amended to expand the prohibition on the sale or supply of arms or related matériel and the prohibition on the provision of assistance, advice or training relating to military activities to all parties to the N'djamena Ceasefire Agreement. The Regulations are further amended to clarify the exceptions to these prohibitions. The *Charter of the United Nations (Sanctions – Sudan) Regulations 2005* are also amended to prohibit dealing in an asset or making an asset available to a person designated by the Security Council or the Security Council Committee established under operative paragraph 3 of Security Council Resolution 1591 (2005) to administer the Sudan sanctions, or an entity if owned or controlled by such a designated person. Such persons and entities will be listed on the Department of Foreign Affairs and Trade website.

The *Iraq (Reconstruction and Repeal of Sanctions) Regulations 2003* are renamed the *Charter of the United Nations (Sanctions – Iraq) Regulations 2006*. These Regulations are amended to prohibit the sale or supply of arms or related matériel to any recipient in Iraq and the prohibition on the provision of assistance, advice or training relating to military activities to any recipient in Iraq. These Regulations are further amended to clarify the exceptions to these prohibitions.

These six sets of Regulations should be read in conjunction with the *Customs (Prohibited Imports) Regulations 1956* and the *Customs (Prohibited Exports) Regulations 1958* administered by the Australian Customs Service, which contain further import and export restrictions and 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 relevant lists of designated persons and designated entities can be found on the Department of Foreign Affairs and Trade website (www.dfat.gov.au).

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.