

EXPLANATORY STATEMENT

Select Legislative Instrument 2008 No. 177

Charter of the United Nations Act 1945

Charter of the United Nations (Sanctions — Rwanda) Repeal Regulations 2008

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 the Security Council has made under Chapter VII of the Charter of the United Nations (the Charter) and 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 Regulations is to repeal the *Charter of the United Nations (Sanctions — Rwanda) Regulations 2008*, which were made on 10 April 2008 and which implemented United Nations Security Council (UNSC) sanctions in relation to Rwanda.

UNSC resolutions 1005 and 1011 required Australia to prevent the supply, sale or transfer, directly or indirectly, to Rwanda of arms and related matériel of all types, except for narrow exceptions as provided in those resolutions. Australia was required to prevent such supply, sale or transfer from Australian territory, by Australian nationals, by persons using Australian flag vessels, and by persons using Australian flag aircraft.

Similarly, resolution 1011 required Australia to prevent the supply, sale or transfer, directly or indirectly, of arms and related matériel of all types, to persons in the States neighbouring Rwanda (Burundi, Democratic Republic of Congo, Tanzania, and Uganda), if the sale or supply was for the purpose of the use of such arms or matériel within Rwanda contrary to resolutions 1005 and 1011.

On 10 July 2008 the UNSC adopted resolution 1823 which terminated the prohibitions on the supply, sale or transfer of arms and related matériel to Rwanda imposed originally by resolutions 1005 and 1011. Accordingly, the Regulations repeal the *Charter of the United Nations (Sanctions — Rwanda) Regulations 2008*, which formerly gave effect to UNSC sanctions in relation to Rwanda.

Resolutions 1005, 1011 and 1823 were 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).

Regulations made under the *Customs Act 1901*, which also gave effect to prohibitions on the supply, sale or transfer of arms and related matériel to Rwanda imposed originally by resolution 1011, will be amended to reflect the termination of UNSC sanctions in relation to Rwanda.

The Australian Customs Service, Attorney-General's Department and Department of Defence were consulted during the preparation of the Regulations.

Details of the Regulations are set out in the Annex.

Charter of the United Nations (Sanctions — Rwanda) Repeal Regulations 2008

Details of the Regulations are as follows:

Regulation 1 states that the name of the Regulations is the *Charter of the United Nations (Sanctions — Rwanda) Repeal Regulations 2008*.

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

Regulation 3 provides that the *Charter of the United Nations (Sanctions — Rwanda) Regulations 2008* are repealed.