

EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 97

Charter of the United Nations (Sanctions – Cote d'Ivoire) Regulations 2005

The purpose of the proposed Regulations is to implement certain of Australia's obligations under United Nations Security Council Resolution (UNSCR) 1572 (15 November 2004). This resolution requires States to prohibit the supply of arms or related materiel to Cote d'Ivoire, whether from the territory of the State or by nationals of that State, and to ban the provision of military training or assistance to Cote d'Ivoire. The Resolution also establishes a mechanism to impose a travel ban and asset freeze on certain individuals. Australia will implement these aspects of the sanctions once the relevant UN Committee has identified the relevant individuals.

Australia generally implements arms embargoes under regulation 13E of the *Customs (Prohibited Exports) Regulations 1958* administered by the Australian Customs Service.

The proposed Regulations would cover those aspects of the sanctions imposed by Resolution 1572 which cannot be implemented under existing regulations. These would include the extraterritorial aspects of the sanctions. The proposed Regulations would place a prohibition on Australian nationals from providing arms and related materiel, or military training or assistance in violation of the sanctions. The proposed Regulations would also prohibit the use of Australian aircraft or Australian ships in supplying arms or related materiel to Cote d'Ivoire in violation of the sanctions. The proposed Regulations recognise the exceptions to these prohibitions which are outlined in UNSCR 1572, including the specific exception in relation to the supply of arms or related materiel to the United Nations Operations in Cote d'Ivoire (UNOCI).

The relevant United Nations Security Council Resolutions can be found on the UN website (www.un.org). Australia has an obligation under Article 25 of the United Nations Charter to carry out decisions of the Security Council. All relevant Commonwealth Government Departments were consulted prior to the drafting of these proposed Regulations.