

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 72

Charter of the United Nations Act 1945

Charter of the United Nations Legislation Amendment Regulation 2013 (No. 1)

The purpose of the Amendment Regulation is to amend the *Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008* (the Al-Qaida and the Taliban Regulations), the *Charter of the United Nations (Dealing with Assets) Regulations 2008* (the Dealing with Assets Regulations), the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008* (the Somalia Regulations), the *Charter of the United Nations (Sanctions – Eritrea) Regulations 2010* (the Eritrea Regulations), the *Charter of the United Nations (Sanctions – Sudan) Regulations 2008* (the Sudan Regulations) and the *Charter of the United Nations (Sanctions – Côte d'Ivoire) Regulations 2008* (the Côte d'Ivoire Regulations) to implement amended UNSC sanctions regimes.

Section 6 of the *Charter of the United Nations Act 1945* (the Act) provides that the Governor-General may make regulations for, and in relation to, giving effect to decisions that the United Nations Security Council (UNSC) has made under Chapter VII of the Charter of the United Nations which 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 Al-Qaida and the Taliban Regulations give effect in Australia to sanctions obligations arising from UNSC resolution 1267 (1999), which have been modified and strengthened by subsequent resolutions, including resolutions 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008) and 1904 (2009). Resolutions 1988 (2011) and 1989 (2011) were adopted under Charter VII of the Charter of the UN on 17 June 2011 and the measures are binding on Australia pursuant to Article 25 of the Charter. The resolutions separate the Al-Qaida and Taliban sanctions regimes and accordingly require the Al-Qaida and the Taliban Regulations to be split into separate Regulations. Resolutions 1988 (2011) and 1989 (2011) do not change the scope and effect of the sanctions measures and therefore do not require substantive changes to the new separate regulations.

The Dealing with Assets Regulations give effect in Australia to the prohibition on the use of, and dealing with, controlled assets as well as the making available of such assets to persons and entities listed by the UNSC or by the UNSC Committee established under resolution 1267 (1999). Amendments to three sanctions regulations require the following amendments to the list of 'Sanctions Regulations' set out in the Dealing with Assets Regulations: the separation of the Al-Qaida and the Taliban sanctions regimes, the commencement of the *Charter of the United Nations (Sanctions – Libyan Arab Jamahiriya) Regulations 2011* on 21 April 2011, and the repealing of the *Charter of the United Nations (Sanctions – Sierra Leone) Regulations 2008* on 29 September 2010.

The Somalia Regulations give effect in Australia to sanctions obligations arising from UNSC resolutions 733 (1992), 751 (1992), 1356 (2001), 1425 (2002), 1744 (2007), 1844 (2008), 1846 (2008), 1851 (2008), 1916 (2010) and 2036 (2012). Resolution 2060 concerning Somalia and Eritrea was adopted under Charter VII of the Charter of the UN on 25 July 2012 and the measures are binding on Australia pursuant to Article 25 of the Charter. One paragraph of resolution 2060 contains obligations requiring amendments to the Somalia Regulations. Paragraph 10 provides that the arms embargo imposed by earlier resolutions shall not apply to supplies of weapons and military equipment, or to the provision of assistance, solely for the support of or use by the United Nations Political Office for Somalia, as approved in advance by the UNSC Somalia Sanctions Committee.

The Eritrea Regulations give effect in Australia to sanctions obligations arising from UNSC resolutions 1844 (2008), 1862 (2009), 1907 (2009) and 2023 (2011). Two paragraphs of resolution 2060 (2012) contain obligations requiring amendments to the Eritrea Regulations. Paragraph 11 provides that the Eritrea arms embargo imposed by resolution 1907 (2009) shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Eritrea by UN personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use. Paragraph 12 provides that the Eritrea arms embargo shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Eritrea UNSC Sanctions Committee.

The Sudan Regulations give effect in Australia to sanctions obligations arising from UNSC resolutions 1556 (2004), 1591 (2005) and 1945 (2010). Resolution 2035 concerning Sudan was adopted under Charter VII of the Charter of the UN on 17 February 2012. One paragraph of resolution 2035 contains obligations requiring amendments to the Sudan Regulations. Paragraph 4 decides that the exemptions in support of the implementation of the Comprehensive Peace Agreement set forth in paragraph 7 of resolution 1591 (2005) and further clarified in paragraph 8 (b) of resolution 1945 (2010) shall no longer apply.

The Côte d'Ivoire Regulations give effect in Australia to sanctions obligations arising from UNSC resolution 1572 (2004), which were expanded and renewed by UNSC resolutions 1643 (2005), 1727 (2006), 1893 (2009), 1946 (2010), 1980 (2011) and 2045 (2012). Paragraph 16 of resolution 1893 (2009) contains obligations that have not yet been included in the Côte d'Ivoire Regulations, and accordingly requires amendments to the Côte d'Ivoire Regulations. Paragraph 16 provides that the measures imposed by resolution 1643 (2005) to prevent the import of rough diamonds from Côte d'Ivoire shall not apply to imports to be used solely for scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process, and approved on a case by case basis by the Côte d'Ivoire UNSC Sanctions Committee. The Amendment Regulation amends the Côte d'Ivoire Regulations to provide for the Minister for Foreign Affairs to authorise the procuring of import sanctioned goods where the goods will be used solely for the purposes set out in Resolution 1893 and approved on a case by case basis by the Committee.

The Amendment Regulation also amends the Al-Qaida and the Taliban Regulations, the Somalia Regulations, the Eritrea Regulations, the Sudan Regulations and the Côte d'Ivoire Regulations to reflect the strict liability provisions set out in Part 4 of the *Charter of the United Nations Act 1945*, so that where authorisation by the Minister for Foreign Affairs is required to make a sanctioned supply, perform a sanctioned service or make available or deal with an asset, the element of the offence relating to “not authorised by a permit” is subject to a strict liability test.

No public consultation was undertaken in relation to the Amendment Regulation, the Al-Qaida and the Taliban Regulations, the Dealing with Assets Regulations, the Somalia Regulations, the Eritrea Regulations, the Sudan Regulations or the Côte d'Ivoire Regulations because they implement Australia's international legal obligations arising from decisions of the UNSC.

Resolutions 1988, 1989, 2060, 2035 and 1893 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).

Details of the Amendment Regulation are set out in the [Attachment](#).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Charter of the United Nations Legislation Amendment Regulation 2013 (No. 1)

The Charter of the United Nations Legislation Amendment Regulation 2013 (No. 1) (the Amendment Regulation) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Amendment Regulation gives 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 Amendment Regulation gives effect to UNSC resolutions 1988 (2011) and 1989 (2011) which separate the Al-Qaida and Taliban sanctions regimes but do not change the scope and effect of the sanctions measures.

The Amendment Regulation also gives effect to paragraphs 10, 11 and 12 of resolution 2060 in relation to Somalia and Eritrea. Paragraph 10 provides that the arms embargo imposed by earlier resolutions shall not apply to supplies of weapons and military equipment, or to the provision of assistance, solely for the support of or

use by the United Nations Political Office for Somalia, as approved in advance by the UNSC Somalia Sanctions Committee. Paragraph 11 provides that the Eritrea arms embargo imposed by resolution 1907 (2009) shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Eritrea by UN personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use. Paragraph 12 provides that the Eritrea arms embargo shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Eritrea UNSC Sanctions Committee.

The Amendment Regulation also gives effect to paragraph 16 of resolution 1893 (2009) which contains obligations that have not yet been included in the Côte d'Ivoire Regulations. Paragraph 16 provides that the measures imposed by resolution 1643 (2005) to prevent the import of rough diamonds from Côte d'Ivoire shall not apply to imports to be used solely for scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process, and approved on a case by case basis by the Côte d'Ivoire UNSC Sanctions Committee.

The Amendment Regulation also amends the Al-Qaida and the Taliban Regulations, the Somalia Regulations, the Eritrea Regulations, the Sudan Regulations and the Côte d'Ivoire Regulations to reflect the strict liability provisions set out in Part 4 of the *Charter of the United Nations Act 1945*, so that where authorisation by the Minister for Foreign Affairs is required to make a sanctioned supply, perform a sanctioned service or make available or deal with an asset, the element of the offence relating to "not authorised by a permit" is subject to a strict liability test.

This Legislative Instrument engages human rights to the extent that it provides for supplies of protective clothing and equipment to be supplied to UN personnel in peacekeeping operations in Somalia and Eritrea and ensures that any imports of rough diamonds comply with the Kimberley Process.

This Legislative Instrument is compatible with human rights because it advances the protection of human rights in Somalia, Eritrea and Côte d'Ivoire.

ATTACHMENT

Details of the Charter of the United Nations Legislation Amendment Regulation 2013 (No. 1)

Section 1 – Name of Regulation

Section 1 provides that the name of the Regulation is the *Charter of the United Nations Legislation Amendment Regulation 2013 (No. 1)*.

Section 2 – Commencement

Section 2 provides that the regulation commences on the commencement of the *Charter of the United Nations (Sanctions – the Taliban) Regulation 2013*.

Section 3 – Amendment of the Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008

Section 3 provides that Schedule 1 amends the *Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008*.

Section 4 – Amendment of the Charter of the United Nations (Dealing with Assets) Regulations 2008

Section 4 provides that Schedule 2 amends the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.

Section 5 – Amendment of the Charter of the United Nations (Sanctions – Somalia) Regulations 2008

Section 5 provides that Schedule 3 amends the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008*.

Section 6 – Amendment of the Charter of the United Nations (Sanctions – Eritrea) Regulations 2010

Section 6 provides that Schedule 4 amends the *Charter of the United Nations (Sanctions – Eritrea) Regulations 2008*.

Section 7 – Amendment of the Charter of the United Nations (Sanctions – Sudan) Regulations 2008

Section 7 provides that Schedule 5 amends the *Charter of the United Nations (Sanctions – Sudan) Regulations 2008*.

Section 8 – Amendment of the Charter of the United Nations (Sanctions – Côte d'Ivoire) Regulations 2008

Section 8 provides that Schedule 6 amends the *Charter of the United Nations (Sanctions – Côte d'Ivoire) Regulations 2008*.

Schedule 1 – Amendments of the *Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008*

Item [1] Regulation 1

Item [1] substitutes the name of the Regulations to be the *Charter of the United Nations (Sanctions – Al-Qaida) Regulations 2008*, to give effect to the decision of the UNSC in resolutions 1988 (2011) and 1989 (2011) to separate the Al-Qaida and Taliban sanctions regimes.

Item [2] - Regulation 4, definition of *designated person or entity*

Item [2] replaces the definition of ‘designated person or entity’ with the following - “(a) Al-Qaida; or (b) a person or entity designated by the Committee or by the Security Council for paragraph 1 of Resolution 1989”, to give effect to the decision of the UNSC in resolutions 1988 (2011) and 1989 (2011) to separate the Al-Qaida and Taliban sanctions regimes.

Item [3] - Regulation 4, definitions of *Resolution 1390 and Resolution 1735*

Item [3] replaces the definition of ‘Resolution 1390 and Resolution 1735’ with a definition of ‘Resolution 1989’, being “Resolution 1989 (2011) of the Security Council, adopted on 17 June 2012”, to reflect that the Regulation would implement the Al-Qaida sanctions regime based on Resolution 1989.

Item [4] - Regulation 4, definitions of *sanctioned service and sanctioned supply*

Item [4] omits the word “in” and replaces with the word “by”, to give effect to a grammatical correction.

Item [5] - Regulation 4, note, paragraph (b)

Item [5] omits the word “in” and replaces with the word “by”, to give effect to a grammatical correction.

Item [6] - Regulation 6

Item [6] substitutes the words “A person” for the words “For these Regulations, a person”, to give effect to a drafting correction.

Item [7] - After Subregulation 10(1)

Item [7] inserts a new subregulation 10(1A) providing that strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under regulation 12. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [8] - After Subregulation 11(1)

Item [8] inserts a new subregulation 11(1A) providing that strict liability applies to the circumstance that the use of or dealing with the asset is not authorised by a permit under regulation 12. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Schedule 2 – Amendments of the Amendment of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*

Item [1] - Regulation 4, definition of *Sanctioned Regulations*

Item [1] replaces the list of Regulations set out in the definition of ‘Sanctioned Regulations’ to: (a) reflect the separation of the Al-Qaida and the Taliban sanctions regimes into separate Regulations; (b) include reference to the *Charter of the United Nations (Sanctions — Libyan Arab Jamahiriya) Regulations 2011* which were made on 21 April 2011; and (c) delete reference to the *Charter of the United Nations (Sanctions — Sierra Leone) Regulations 2008* which were repealed on 29 September 2010.

Schedule 3 – Amendments of the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008*

Item [1] - Regulation 4, new definition of *Resolution 2060*

Item [1] inserts a new definition of ‘Resolution 2060’, being Resolution 2060 (2012) of the UNSC, adopted on 25 July 2012, to give effect to the decision of the UNSC in resolution 2060.

Item [2] - After subregulation 8(1)

Item [2] inserts a new subregulation 8(1A) providing that strict liability applies to the circumstance that the making of the sanctioned supply is not authorised by a permit under regulation 9. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [3] - Subparagraph 8(5)(b)(iii)

Item [3] amends subparagraph 8(5)(b)(iii) to include reference to ‘Resolution 2060’, to incorporate the exemption to the arms embargo set out in resolution 2060.

Item [4] – After paragraph 9(2)(e)

Item [4] adds a semicolon at the end of paragraph 9(2)(e), to give effect to the amendment set out in Item [5].

Item [5] – After paragraph 9(2)(e)

Item [5] inserts new paragraph 9(2)(f) to allow the Minister to authorise the supply of weapons and military equipment that is solely for the support of, or use by, the United Nations Political Office for Somalia and is approved in advance by the Committee, to give effect to paragraph 10 of resolution 2060 (2012).

Item [6] - After subregulation 10(1)

Item [6] inserts a new subregulation 10(1A) providing that strict liability applies to the circumstance that the provision of a sanctioned service is not authorised by a permit under regulation 11. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [7] – After paragraph 11(2)(c)

Item [7] adds a semicolon at the end of paragraph 11(2)(c), to give effect to the amendment set out in Item [8].

Item [8] – After paragraph 11(2)(c)

Item [8] inserts new paragraph 11(2)(d) to allow the Minister to authorise the provision of assistance solely for the support of, or use by, the United Nations Political Office for Somalia and is approved in advance by the Committee, to give effect to paragraph 10 of resolution 2060 (2012).

Item [9] – After subregulation 13(1)

Item [9] inserts a new subregulation 13(1AA) providing that strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under regulation 15. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [10] – After subregulation 14(1)

Item [10] inserts a new subregulation 14(1AA) providing that strict liability applies to the circumstance that the use of or dealing with the asset is not authorised by a permit under regulation 15. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Schedule 4 – Amendments of the *Charter of the United Nations (Sanctions – Eritrea) Regulations 2008*

Item [1] - Regulation 3, definition of *Committee*

Item [1] inserts reference to ‘Resolution 1907’ in the definition of ‘Committee’, to reflect that Resolution 1907 further expanded the mandate of the Committee.

Item [2] - Regulation 3, new definition of *Resolution 2060*

Item [2] inserts a new definition of ‘Resolution 2060’, being Resolution 2060 (2012) of the UNSC, adopted on 25 July 2012, to give effect to the decision of the UNSC in resolution 2060.

Item [3] – Regulation 8 and new Regulation 8A

Item [3] replaces Regulation 8 to:

- provide that a person or body corporate does not contravene Regulation 8 if the sanctioned supply is an ‘authorised supply’, to give effect to paragraphs 11 and 12 of resolution 2060 (2012);
- insert a new subregulation 8(2) providing that strict liability applies to the circumstance that the making of the sanctioned supply is not authorised by a permit under new Regulation 8A. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*;
- insert a definition of ‘authorised supply’ in new subregulation 8(6), providing that ‘authorised supply’ means a sanctioned supply that is authorised by: (a) a permit under new Regulation 8A; or (b) if the supply, sale or transfer takes place in or from a foreign country, a permit properly granted by the foreign country in a way that accords with the foreign country’s obligations under Resolution 1907 and Resolution 2060;
- provide in new subregulation 8(7) that a defendant defending a charge of contravening a sanctions enforcement law under section 27 of the *Charter of the*

United Nations Act 1945 on the grounds that the sanctioned supply is authorised because a permit was issued by a foreign country, bears an evidential burden in relation to proving that the permit was granted by a foreign country; and

- provide in new subregulation 8(8) that a permit is taken not to have been properly granted by a foreign country if the prosecution shows that the permit was granted on the basis of false or misleading information provided by any person, or of corrupt conduct by any person.

Item [3] also inserts a new Regulation 8A that provides that the Minister may grant a permit (subject to any specified conditions) authorising the making of a sanctioned supply if the sanctioned supply: (a) is a supply of protective clothing that is temporarily exported to Eritrea for the personal use of a member of the personnel of the UN, a representative of the media or a humanitarian or development worker or an associated person; or (b) is a supply of non-lethal military equipment that is intended solely for humanitarian or protective use and is approved in advance by the UNSC Eritrea Sanctions Committee.

Item [4] – Regulation 10

Item [4] amends Regulation 10 to provide that a person or body corporate does not contravene Regulation 10 if a sanctioned service, or the services of an Australian ship or aircraft, is provided in relation to an ‘authorised supply’, to give effect to paragraphs 11 and 12 of resolution 2060 (2012).

Item [5] – After subregulation 12(1)

Item [5] inserts a new subregulation 12(1A) providing that strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under regulation 14. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [6] – After subregulation 13(1)

Item [6] inserts a new subregulation 13(1A) providing that strict liability applies to the circumstance that the use of or dealing with the asset is not authorised by a permit under regulation 14. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Schedule 5 – Amendments of the *Charter of the United Nations (Sanctions – Sudan) Regulations 2008*

Item [1] – After subregulation 8(1)

Item [1] inserts a new subregulation 8(1A) providing that strict liability applies to the circumstance that the making of the sanctioned supply is not authorised by a permit under regulation 9. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [2] – Subregulation 9(3)

Item [2] amends subregulation 9(3) to remove the power of the Minister for Foreign Affairs to authorise a sanctioned supply that is provided in support of the implementation of the Comprehensive Peace Agreement, to give effect to paragraph 4 of resolution 2035 (2012).

Item [3] – After subregulation 10(1)

Item [3] inserts a new subregulation 10(1A) providing that strict liability applies to the circumstance that the provision of a sanctioned service is not authorised by a permit under regulation 11. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [4] – Subregulation 11(2)

Item [4] omits the words “the table in”, to give effect to a drafting correction.

Item [5] – Subregulation 11(3)

Item [5] replaces subregulation 11(3) to remove the power of the Minister for Foreign Affairs to authorise the provision of a sanctioned service related to the implementation of the Comprehensive Peace Agreement, to give effect to paragraph 4 of resolution 2035 (2012).

Item [6] – After subregulation 12(1)

Item [6] inserts a new subregulation 12(1A) providing that strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under regulation 14. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [7] – After subregulation 13(1)

Item [7] inserts a new subregulation 13(1A) providing that strict liability applies to the circumstance that the use of or dealing with the asset is not authorised by a permit under regulation 14. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Schedule 6 – Amendments of the *Charter of the United Nations (Sanctions – Côte d’Ivoire) Regulations 2008*

Item [1] – Regulation 1

Item [1] inserts the correct spelling of Côte d’Ivoire, to give effect to a grammatical correction.

Item [2] – Regulation 4 – new definitions of *Resolution 1643* and *Resolution 1893*

Item [2] inserts new definitions of:

- ‘Resolution 1643’, being Resolution 1643 (2005) of the UNSC, adopted on 15 December 2005, for use in the new definition of ‘authorised procurement’; and
- ‘Resolution 1893’, being Resolution 1893 (2009) of the UNSC, adopted on 29 October 2009, for use in the new definition of ‘authorised procurement’.

Item [3] – After subregulation 9(1)

Item [3] inserts a new subregulation 9(1A) providing that strict liability applies to the circumstance that the making of the sanctioned supply is not authorised by a permit under regulation 10. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [4] – Regulation 11 and new Regulation 12

Item [4] replaces Regulation 11 to:

- provide that a person or body corporate does not contravene Regulation 11 if the procurement of import sanctioned goods is an ‘authorised procurement’, to give effect to paragraph 16 of Resolution 1893 (2009);
- insert a new subregulation 11(2) providing that strict liability applies to the circumstance that the procurement is not authorised by a permit under new Regulation 12. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*; and
- insert a definition of ‘authorised procurement’ in new subregulation 11(4), providing that ‘authorised procurement’ means a sanctioned procurement that is authorised by: (a) a permit under new Regulation 12; or (b) if the procurement takes place in or from a foreign country, a permit properly granted by the foreign country in a way that accords with the foreign country’s obligations under Resolution 1643 and Resolution 1893.

Item [4] also inserts a new Regulation 12 that provides that the Minister may grant a permit (subject to any specified conditions) authorising the making of a sanctioned procurement if the sanctioned procurement will be made solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided that the research is coordinated by the Kimberley Process and is approved on a case by case basis by the UNSC Côte d’Ivoire Sanctions Committee.

Item [5] – After subregulation 14(1)

Item [5] inserts a new subregulation 14(1A) providing that strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under regulation 16. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.

Item [6] – After subregulation 15(1)

Item [6] inserts a new subregulation 15(1A) providing that strict liability applies to the circumstance that the use of or dealing with the asset is not authorised by a permit under regulation 16. This is consistent with the strict liability provisions contained in Part 4 of the *Charter of the United Nations Act 1945*.