

EXPLANATORY STATEMENT

Select Legislative Instrument No. 123, 2014

Issued by the Authority of the Minister for Foreign Affairs

Charter of the United Nations Act 1945

Charter of the United Nations Legislation Amendment (Sanctions – 2014 Measures No. 1) Regulation 2014

Section 6 of the *Charter of the United Nations Act 1945* (the Act) provides that the Governor-General may make regulations to give effect to decisions of the United Nations Security Council (UNSC) under Chapter VII of the Charter of the United Nations (the Charter) that Australia is required to carry out under Article 25 of the Charter and in so far as those decisions require Australia to apply measures not involving the use of armed force.

The *Charter of the United Nations Legislation Amendment (Sanctions—2014 Measures No. 1) Regulation 2014* (**the Amendment Regulation**) amends the *Charter of the United Nations (Sanctions – Côte d’Ivoire) Regulations 2008* (**the Côte d’Ivoire Regulations**); the *Charter of the United Nations (Sanctions – Democratic Republic of the Congo) Regulations 2008* (**the DRC Regulations**); the *Charter of the United Nations (Sanctions – Liberia) Regulations 2008* (**the Liberia Regulations**); the *Charter of the United Nations (Sanctions—Libyan Arab Jamahiriya) Regulations 2011* (**the Libya Regulations**) and the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008* (**the Somalia Regulations**). The Amendment Regulation implements recent decisions of the United Nations Security Council (UNSC) imposing new sanctions and modifying existing sanctions whilst simplifying and standardising the regulations.

The **Côte d’Ivoire Regulations** give effect in Australia to sanctions obligations arising from UNSC resolution 1572 (2004) and its successors. On 29 April 2014, the UNSC adopted resolution 2153 terminating sanctions preventing the procurement of rough diamonds from Cote d’Ivoire and modifying the arms embargo to exclude non-lethal materiel. The Regulation Amendment implements resolution 2153 by amending the Côte d’Ivoire Regulations to: remove the prohibition on the procurement of rough diamonds; amend the definition of *arms or related to materiel* to exclude non-lethal materiel such as body armour, handcuffs and riot protection shields which can now be freely supplied to Cote d’Ivoire; exempt from the arms embargo supplies for the support of or use by United Nations Peacekeeping operations; and remove a number of notification requirements.

The **DRC Regulations** give effect in Australia to sanctions obligations arising from UNSC resolution 1493 (2003) and its successors. Resolution 2136 (2014) was adopted by the UNSC on 30 January 2014. The Regulation Amendment implements paragraph 1 of that resolution by amending the DRC Regulations to exempt from the arms embargo the supply of arms or related materiel, as well as assistance, advice or

training, intended solely for the support of or use by the African Union Regional Task Force.

The **Liberia Regulations** give effect in Australia to sanctions obligations arising from UNSC resolution 1521 (2003) and its successors. Resolution 2128 (2013) adopted by the UNSC on 10 December 2013 modified the notification requirements for the arms embargo and requires amendments to the Liberia Regulations to affect these changes. The Regulation Amendment implements resolution 2128 by amending the Liberia Regulations to: remove the requirement for States to notify the UNSC Liberia Sanctions Committee in relation to “non-lethal materials and associated training”; and, require notification to the Committee five days in advance of supplies of lethal arms or related materiel, or the provision of the specified associated services, for military or other related security sector activities for the Government of Liberia.

The **Libya Regulations** give effect in Australia to sanctions obligations arising from UNSC resolution 1970 (2011) and its successors. Resolution 2146 (2014) adopted on 19 March 2014 imposes measures in relation to vessels illicitly exporting crude oil from Libya. The Regulation Amendment implements resolution 2146 by amending the Libya Regulations to prohibit persons and entities from providing bunkering or other services to designated vessels and engaging in financial transactions related to crude oil from Libya aboard designated vessels.

The **Somalia Regulations** give effect in Australia to sanctions obligations arising from UNSC resolution 751 (1992) and its successors. Resolution 2142 (2014) renews the partial lifting of the arms embargo for the purpose of the development of the Security Forces of the Federal Government of Somalia. The Regulation Amendment implements that resolution by amending the Somalia Regulations to provide that at least five days’ notice is given to the UNSC Somalia Sanctions Committee in advance of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to Somalia’s Security Forces.

Further to implementing the abovementioned decisions of the UNSC, the Amendment Regulation simplifies and standardises provisions across the five sanctions regimes in order to improve the readability of the regulations.

In respect of each of the five regulations, the Amendment Regulation provides that strict liability will apply to the existence or otherwise of a permit in relation an offence under section 27 of the Act (Contravening a UN sanction enforcement law). For an individual, strict liability will continue not to apply to any other element of the offence. The purpose of these provisions is to prevent a spurious defence that a statement of the Minister could be taken as de facto authorisation to engage in conduct that is prohibited under the Act.

In respect of each of the five regulations the Amendment Regulation contains provisions which place an evidential burden on the defendant to a charge of contravening a UN sanction enforcement law under section 27 of the Act. Where a permit issued by a foreign country is relied upon as authorisation to make a sanctioned supply, perform a sanctioned service or make available or deal with an asset, a defendant has the evidential burden of proving a permit was granted by the

foreign country. The purpose of these provisions is to shift the burden to the party who is best placed to adduce the evidence of the permit.

In respect of each of the five regulations the Amendment Regulation contains provisions which incorporate by reference the Guidelines issued by their relevant UNSC sanctions committees. Guidelines issued by UNSC sanctions committees describe the procedures for listing, de-listing, granting humanitarian exemptions and making notifications to the committee. At the time of writing the guidelines were available at www.un.org. Section 6(3) of the *Charter of the United Nations Act 1945* provides that regulations made for the purposes of giving effect to decisions of the UNSC may make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time despite subsection 14(2) of the *Legislative Instruments Act 2003*.

No public consultation was undertaken in relation to the Amendment Regulation, as it implements Australia's international legal obligations arising from decisions of the UNSC. The Department of Foreign Affairs and Trade conducts regular outreach to the Australian business community to explain Australian sanctions laws implementing UNSC sanctions.

Resolutions 2136, 2128, 2146 and 2142 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 (Sanctions – 2014 Measures No. 1) Regulation 2014

The *Charter of the United Nations Legislation Amendment (Sanctions – 2014 Measures No. 1) Regulation 2014* (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 purpose of the Amendment Regulation is to amend the *Charter of the United Nations (Sanctions – Côte d’Ivoire) Regulations 2008 (the Côte d’Ivoire Regulations)*; the *Charter of the United Nations (Sanctions – Democratic Republic of the Congo) Regulations 2008 (the DRC Regulations)*; the *Charter of the United Nations (Sanctions – Liberia) Regulations 2008 (the Liberia Regulations)*; the *Charter of the United Nations (Sanctions—Libyan Arab Jamahiriya) Regulations 2011 (the Libya Regulations)* and the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008 (the Somalia Regulations)* to implement decisions of the United Nations Security Council (UNSC) imposing new sanctions and modifying existing sanctions whilst also simplifying and standardising the regulations.

The Amendment Regulation amends the **Côte d’Ivoire Regulations**, implementing decisions of the UNSC in resolution 2153 (2014) to: terminate sanctions preventing the procurement of rough diamonds from Cote d’Ivoire; modify the arms embargo to exclude *non-lethal* materiel such as body armour, handcuffs and riot protection shields; and, exclude from the arms embargo supplies transiting through Cote d’Ivoire intended for the support of or to be used by United Nations Peacekeeping operations.

The Amendment Regulation amends the **DRC Regulations**, implementing the decision of the UNSC in resolution 2136 (2014) to exempt from the existing arms embargo the supply of arms or related materiel, as well as assistance, advice or training, intended solely for the support of or use by the African Union Regional Task Force.

The Amendment Regulation amends the **Liberia Regulations** to implement paragraph 2(b) of resolution 2128 (2013) by: removing the requirement for the Minister to notify the UNSC Liberia Sanctions Committee in relation to “non-lethal materials and associated training”; and, requiring notification to the Committee five days in advance of supplies of lethal arms or related materiel, or the provision of the specified associated services, to military or other related security sector activities for the Government of Liberia.

The Amendment Regulation amends the **Libya Regulations**, implementing decisions of the UNSC in resolution 2146 (2014) imposing measures in relation to vessels illicitly exporting crude oil from Libya. These measures prohibit persons and entities from providing bunkering or other services to vessels designated by the UNSC Libya Sanctions Committee established under paragraph 24 of resolution 1970 (2011), or engaging in financial transactions related to crude oil from Libya aboard designated vessels.

The Amendment Regulation amends the **Somalia Regulations**, implementing the decision of the UNSC in resolution 2142 (2014) to renew the partial lifting of the arms embargo for the purpose of the development of the Security Forces of the Federal Government of Somalia. The Amendment Regulation gives effect to paragraph 4 of Resolution 2142 which requires States to give at least 5 days' notice to the UNSC Somalia Sanctions Committee in advance of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to Somali's Security Forces.

The Amendment Regulation protects human rights by ensuring that persons and entities that violate the arms embargo, commit violations of international humanitarian or human rights law or other atrocities, or violate other measures imposed by UNSC resolutions will be subject to the UNSC sanctions measures.

The Amendment Regulation also engages human rights to the extent that it provides for supplies of protective clothing and equipment to be supplied to UN and humanitarian personnel in peacekeeping operations.

The Amendment Regulation provides that the Minister for Foreign Affairs (the Minister) may grant a person a permit authorising the making available of an asset to a person or entity that would otherwise be prohibited or authorising the use of, or dealing with, a controlled asset that would otherwise be prohibited under the regulations. These exemptions, which implement decisions of the UNSC, allow the making available of an asset or the use or dealing with a controlled asset where it is required for the provision of a basic expense, a legally required or contractual payment or extraordinary expense dealing. These permissible dealings are defined in the *Charter of the United Nations (Dealing with Assets Regulations) 2008*.

In respect of each of the five regulations, the Amendment Regulation provides that strict liability will apply to the existence or otherwise of a permit in relation an offence under section 27 of the Act (Contravening a UN sanction enforcement law). For an individual, strict liability will continue not to apply to any other element of the offence. The purpose of these provisions is to prevent a spurious defence that a statement of the Minister could be taken as de facto authorisation to engage in conduct that is prohibited under the Act. As only one element of each of the offences

creates strict liability the Amendment Regulation does not interfere with the presumption of innocence.

ATTACHMENT

Details of the *Charter of the United Nations Legislation Amendment (Sanctions – 2014 Measures No. 1) Regulation 2014*

Section 1 – Name of Regulation

Section 1 provides that the name of the regulation is the *Charter of the United Nations Legislation Amendment (Sanctions – 2014 Measures No. 1) Regulation 2014*.

Section 2 – Commencement

Section 2 provides that the regulation commences on the day after it is registered.

Section 3 – Authority

Section 3 provides that the regulation is made under the *Charter of the United Nations Act 1945*.

Section 4 – Schedule(s)

Section 4 provides that each instrument that is specified in a Schedule to the regulation is amended or repealed as set out in the Schedule.

Schedule 1 – Amendments

Charter of the United Nations (Côte d'Ivoire Regulations) Regulations 2008

Item [1] - Regulation 3, repeal the regulation

Item [1] repeals the regulation which is spent.

Item [2] - Regulation 4, insert definition of *arms or related materiel*

Item [2] amends the definition of *arms or related materiel* to implement Resolution 2135 which exempts non-lethal matériel from the arms embargo.

Item [3] - Regulation 4, repeal definition of *arms or related materiel*

Item [3] repeals the definition of *arms or related materiel* which is replaced by the definition in Item 2.

Item [4] – Regulation 4, definition of *controlled asset*

Item [4] amends the definition of *controlled asset* to more accurately reflect paragraph 11 of Resolution 1572.

Item [5] - Regulation 4, definition of *designated person or entity*

Item [5] amends the definition of *designated person or entity* to more accurately reflect the relevant resolutions.

Item [6] - Regulation 4, repeal definitions

Item [6] repeals the definitions of *import sanctioned goods*, *Linas-Marcoussis Agreement*, *paramilitary equipment*, *protective clothing*, *Resolution 1643*, *Resolution 1893*, *Resolution 2045* and *Resolution 2101* which no longer appear in the regulations and do not require definition.

Item [7] - Regulation 4, insert definitions

Item [7] inserts definitions of *resolution* and *Resolution 2153* to improve the clarity of the regulations.

Item [8] – Regulation 4, definition of *sanctioned supply*

Item [8] omits “given in” and substitutes “given by”.

Item [9] – Regulation 4, definition of *Security Council*

Item [9] repeals the definition of “Security Council” which does not warrant definition here on the grounds that it is a commonly understood term.

Item [10] – Regulation 4, definition of *UNOCI*

Item [10] omits “Operations” and substitutes “Operation”.

Item [11] – Regulation 4, repeal and substitute note

Item [11] amends the note to omit reference to the Minister for Foreign Affairs. By virtue of section 19A of the *Acts Interpretation Act 1901* it is not necessary to identify the responsible Minister.

Item [12] – Regulations 5 to 16

Item [12] repeals regulations 6, 11 and 12 to give effect to the decision of the UN Security Council in Resolution 2153 to terminate the sanctions prohibiting the procurement of rough diamonds.

Item [12] would amend Regulation 10 (permit to make sanctioned supply) to remove non-lethal arms or related materiel from the prohibition in accordance with Resolution 2153 and to reflect the exemption of United Nations peacekeeping operations from the arms embargo in accordance with Resolution 2153.

Item [12] amends regulations 5, 7, 9, 14, 15 and 16 which have been redrafted as part of an exercise to simplify and standardise the regulations made under the *Charter of the United Nations Act* to make it easier for Australian businesses and the public to access and understand the sanctions regimes:

- Regulation 5 (definition of *export sanctioned goods*) has been standardised.

- Regulation 7 (definition of *sanctioned supply*) has not been changed.
- Regulation 9 (prohibitions relating to a sanctioned supply) has been standardised.
- Regulation 14 (prohibition relating to dealings with designated person or entities) has been standardised.
- Regulation 15 (prohibitions relating to controlled assets) has been standardised.
- Regulation 16 (permit for assets and controlled assets) has been standardised.

Charter of the United Nations (Democratic Republic of the Congo) Regulations 2008

Item [13] - Regulation 3, repeal the regulation

Item [13] repeals the regulation which is spent.

Item [14] - Regulation 4, repeal and substitute definition of *arms or related materiel*

Item [14] amends the definition of ‘arms or related materiel’ to reflect a standardised definition.

Item [15] – Regulation 4 (definition of *controlled asset*)

Item [15] amends the definition of *controlled asset* to more accurately reflect paragraph 11 of Resolution 1807.

Item [16] - Regulation 4 (definition of *designated person or entity*)

Item [16] amends the definition of *designated person or entity* to more accurately reflect Resolution 1807.

Item [17] - Regulation 4, paragraphs (e) and (f) of the definition of *paramilitary equipment*

Item [17] amends the definition of paramilitary equipment to more accurately reflect the relevant resolutions.

Item [18] - Regulation 4, insert definition

Item [18] inserts a definition of *resolution* to improve the clarity of the regulations.

Item [19] – Regulation 4, definitions of *Resolution 1596* and *Resolution 177*

Item [19] repeals the definitions of *Resolution 1596* and *Resolution 1771* which no longer appear in the Regulations.

Item [20] - Regulation 4, definition of *sanctioned service*

Item [20] omits “regulation 7” and substitutes “regulation 6” to account for the renumbering of regulations.

Item [21] – Regulation 4, definition of *sanctioned supply*

Item [21] omits “regulation 6” and substitutes “regulation 7” to account for the renumbering of regulations.

Item [22] – Regulation 4, definition of *Security Council*

Item [22] repeals the definition of “Security Council” which does not warrant definition here on the grounds that it is a commonly understood term.

Item [23] – Regulation 4, repeal and substitute note

Item [23] amends the note to omit reference to the Minister for Foreign Affairs. By virtue of section 19A of the *Acts Interpretation Act 1901* it is not necessary to identify the responsible Minister.

Item [24] – Regulations 5 to 11

Item [24] amends regulations 5 to 11 which have been redrafted as part of a standardisation exercise across the various regulations made under the *Charter of the United Nations Act*:

- Regulation 5 (definition of *arms or related materiel*) has been standardised.
- Regulation 6 (definition of *sanctioned service*) has been standardised and the order of regulations 6 and 7 has been reversed.
- Regulation 7 (definition of *sanctioned supply*) has been standardised.
- Regulation 8 (prohibitions relating to a sanctioned supply) has been standardised.
- Regulation 9 (permit to make sanctioned supply) has been standardised.
- Regulation 10 (prohibition relating to a sanctioned service) has been standardised.
- Regulation 11 (permit to provide a sanctioned service) has been standardised.

Item [25] – Subregulation 12(1)

Item [25] omits “regulation” and substitutes “subregulation”.

Item [26] – Subregulation 12(2)

Item [26] amends the subregulation to impose strict liability on an individual who commits an offence under regulation 12(1).

Item [27] – Subregulation 13(1)

Item [27] omits “regulation” and substitutes “subregulation”.

Item [28] – Subregulation 13(2) and notes

Item [28] amends the subregulation to impose strict liability on an individual who commits an offence under regulation 12(1).

Item [29] – Regulation 14

Item [29] amends Regulation to standardise it.

Charter of the United Nations (Sanctions - Liberia) Regulations 2008

Item [30] – Regulation 3

Item [30] repeals regulation.

Item [31] – Regulation 4, insert definition of *arms or related materiel*

Item [31] amends the definition of *arms or related materiel* to more accurately implement Resolution 1521.

Item [32] – Regulation (definition of *controlled asset*)

Item [32] amends the definition of *controlled asset* to more accurately reflect paragraph 1 of Resolution 1532.

Item [33] – Regulation (definition of *designated person or entity*)

Item [33] amends the definition of *designated person or entity* to more accurately reflect paragraph 1 of Resolution 1532.

Item [34] – Regulation, paragraphs (e) and (f) of the definition of *paramilitary equipment*

Item [34] amends the definition of paramilitary equipment to more accurately reflect the relevant resolutions.

Item [35] – Regulation, definition of *resolution*

Item [35] inserts the definition of *resolution* to increase the clarity of the regulations.

Item [36] – Regulation, definition of *Resolution 1903*

Item [36] repeals the definition *Resolution 1903* which no longer appears in the regulations.

Item [37] – Regulation, definition of *Security Council*

Item [37] repeals the definition of “Security Council” which is referred to, but not defined in the *Charter of the United Nations Act 1945* and does not warrant definition here on the grounds that it is a commonly understood term.

Item [38] – Regulation 4, definition of *sanctioned service*

Item [38] amends the definition to reflect the reordering of the regulations.

Item [39] – Regulation 4, definition of *sanctioned supply*

Item [39] amends the definition to reflect the reordering of the regulations.

Item [40] – Regulation 4, repeal and substitute note

Item [40] amends the note omitting reference to the Minister for Foreign Affairs. By virtue of section 19A of the *Acts Interpretation Act 1901* it is not necessary to identify the responsible Minister.

Item [41] – Regulations 5 to 11

Item [41] amends Regulation 6 (definition of *sanctioned service*) to implement subparagraph 2(b)(ii) of resolution 2128.

Item [41] amends regulations 5, 7, 8, 9, 10 and 11 which have been redrafted as part of a standardisation exercise across the various regulations made under the *Charter of the United Nations Act*.

- Regulation 5 (definition of export sanctioned goods) has been standardised.
- Regulation 7 (definition of *sanctioned supply*) has been standardised.
- Regulation 8 (prohibitions relating to a sanctioned supply) has been standardised.
- Regulation 9 (permit to make sanctioned supply) has been standardised.
- Regulation 10 (prohibition relating to a sanctioned service) has been standardised.
- Regulation 11 (permit to provide a sanctioned service) has been standardised.

Item [42] – Subregulation 12(1)

Item [42] omits “regulation” and substitutes “subregulation”.

Item [43] – Subregulation 12(2)

Item [43] amends the subregulation to impose strict liability on an individual who commits an offence under regulation 12(1) in relation to the existence or otherwise of a permit. Strict liability does not apply to any other element of the offence.

Item [44] – Subregulation 13(1)

Item [44] omits “regulation” and substitutes “subregulation”.

Item [45] – Subregulation 13(1)(c)

Item [45] omits “dealing” and inserts “is”.

Item [46] – Subregulation 13(2) and notes

Item [46] amends the subregulation to impose strict liability on an individual who commits an offence under regulation 13(1) in relation to the existence or otherwise of a permit. Strict liability does not apply to any other element of the offence.

Item [47] – Regulation 14

Item [47] amends the regulation to standardise it.

Charter of the United Nations (Sanctions—Libyan Arab Jamahiriya) Regulations 2011

Item [48] – Regulation 1

Item [48] amends the title of the regulation to reflect the change of the political situation in Libya which is no longer referred to by Australia is the Libyan Arab Jamahiriya.

Item [49] – Regulation 3, repeal definition of *arms or related materiel*

Item [49] amends the definition of *arms or related materiel* to reorder the paragraphs.

Item [50] – Regulation 3, insert definition *bunkering service*

Item [50] inserts a definition of *bunkering service* to implement Resolution 2146.

Item [51] – Regulation 3, definition of *CASA*

Item [51] omits “subsection 3(1) of the *Air Navigation Act 1920*” and substitutes “section 3 of the *Civil Aviation Act 1988*”.

Item [52] – Regulation 3, definition of *controlled asset*

Item [52] amends the definition of *controlled asset* to more accurately reflect resolutions relating to Libya.

Item [53] – Regulation 3, definition of *designated person or entity*

Item [53] amends the definition of *designated person or entity* to more accurately reflect resolutions relating to Libya.

Item [54] – Regulation 3, insert definition *designated vessel*

Item [54] inserts a definition of *designated vessel* to implement Resolution 2146.

Item [55] – Regulation 3, definition of *Libyan Arab Jamahiriya entity*

Item [55] repeals the definition of *Libyan Arab Jamahiriya entity*.

Item [56] – Regulation 3, paragraphs (e) and (f) of the definition of *paramilitary equipment*

Item [56] amends the definition of *paramilitary equipment* to more accurately reflect resolutions relating to Libya.

Item [57] – Regulation 3, definition of *protective clothing*

Item [57] inserts a definition of *protective clothing*.

Item [58] – Regulation 3, definitions of *Resolution 1970*, *Resolution 1973* and *Resolution 2009*

Item [58] repeals the definitions of definitions of Resolution 1970, Resolution 1973 and Resolution 2009 which no longer appear in the regulations.

Item [59] – Regulation 3, definition of *Resolution 2095*

Item [59] repeals the definition of *Resolution 2095* which no longer appears in the regulations.

Item [60] – Regulation 3, definition *Resolution 2046*

Item [60] inserts a definition of *Resolution 2046*.

Item [61] – Regulation 3, definition of *sanctioned service*

Item [61] omits “in regulation 5” and substitutes “by regulation 4” to account for the renumbering of regulations.

Item [62] – Regulation 3, definition of *sanctioned supply*

Item [61] omits “in regulation 4” and substitutes “by regulation 5” to account for the renumbering of regulations.

Item [63] – Regulations 4 to 13

Item [63] amends Regulation 4 (definition of *sanctioned service*) to implement Resolution 2146 which prohibits the provision of financial services in relation to crude oil from Libya.

Item [63] repeals regulations 5 to 13 and substitutes the following regulations which have been redrafted as part of a standardisation exercise across the various regulations made under the *Charter of the United Nations Act*:

- Regulation 5 (definition of *sanctioned supply*) has been reordered alphabetically.
- Regulation 6 (prohibitions relating to a sanctioned supply) has been standardised.
- Regulation 7 (permit to make sanctioned supply) has been standardised.

- Regulation 8 (prohibition relating to import sanctioned goods) has been standardised.
- Regulation 9 (prohibition relating to a sanctioned service) has been standardised.
- Regulation 10 (permit to provide a sanctioned service) has been standardised.
- Regulation 11 (prohibitions relating to dealings with designated persons or entities) has been standardised.
- Regulation 12 (prohibitions relating to controlled assets) has been standardised.
- Regulation 12A (permit for assets and controlled assets – application – general) simplifies part of the former regulation 13.
- Regulation 12B (permit for assets and controlled assets – application – permissible dealings) simplifies part of the former regulation 13.
- Regulation 12C (permit for assets and controlled assets – grant) simplifies part of the former regulation 13.
- Regulation 13 (permit for assets and controlled assets – application – permissible purposes) simplifies part of the former regulation 13.
- Regulation 13A (permit for assets and controlled assets – grant) simplifies part of the former regulation 13.

Item [64] – Regulation 13B

Item [64] omits *Security Council* wherever it occurs.

Item [65] – Regulation 13D(1) and (2)

Item [65] amends subregulations 13D(1) and (2)

Charter of the United Nations (Sanctions—Somalia) Regulations 2008

Item [66] – Regulation 3

Item [66] repeals regulation 3 which is spent.

Item [67] – Regulation 4, insert definition *AMISOM*

Item [67] inserts the definition of *AMISOM*.

Item [68] – Regulation 4, definition of *controlled asset*

Item [68] amends the definition of *controlled asset* to more accurately reflect paragraph 3 of Resolution 1844.

Item [69] – Regulation 4, definition of *designated person or entity*

Item [69] amends the definition of *designated person or entity* to more accurately reflect paragraph 3 of Resolution 1844.

Item [70] – Regulation 4, insert definition *EUTM*

Item [70] inserts the definition of *EUTM*.

Item [71] – Regulation 4, definition of *import sanctioned goods*

Item [71] omits “7A” and substitutes “5A” to reflect the renumbering of the resolution

Item [72] – Regulation 4, paragraphs (e) and (f) of the definition of *paramilitary equipment*

Item [72] amends the definition of *paramilitary equipment* to more accurately reflect resolutions relating to Somalia.

Item [73] – Regulation 4, definition of *prohibited service to a designated person or entity*

Item [73] omits “6A” and substitutes “6” to reflect the renumbering of the regulations.

Item [74] – Regulation 4, definition of *prohibited supply to a designated person or entity*

Item [74] omits “5A” and substitutes “6A” to reflect the renumbering of the regulations.

Item [75] – Regulation 4, definition of *resolution*

Item [75] inserts the definition of *resolution* to increase the clarity of the regulations.

Item [76] – Regulation 4, definition of *sanctioned supply*

Item [76] omits “6” and substitutes “7A” to reflect the renumbering of the regulations.

Item [77] – Regulation 4, definition *UNSOM*

Item [77] inserts the definition of *UNSOM*.

Item [78] – Regulation 4, definition of *weapons and military equipment*

Item [78] repeals the definition of *weapons and military equipment* which amended by item [79].

Item [79] – Regulation 4, definition of *weapons and military equipment*

Item [79] replaces the definition of *weapons and military equipment* with a standardised definition.

Item [80] – Regulations 5 to 15

Item [80] amends Regulation 7 (*definition of sanctioned supply*) to more accurately reflect paragraph 1 of resolution 1425.

Item [80] repeals regulations 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 and substitutes the following regulations which have been redrafted as part of a standardisation exercise across the various regulation made under the *Charter of the United Nations Act*.

- Regulation 5 (definition of *export sanctioned goods*) has been standardised.
- Regulation 5A (definition of *import sanctioned goods*) has been reordered.
- Regulation 6 (definition of *prohibited service to a designated person or entity*) has been standardised.
- Regulation 6A (definition of *prohibited supply to a designated person or entity*) has been standardised
- Regulation 7A (*definition of sanctioned supply*) has been standardised.
- Regulation 8 (prohibitions relating to a sanctioned supply) has been standardised.
- Regulation 9 (permit to make a sanctioned supply) has been standardised.