



# **Charter of the United Nations Legislation Amendment (2021 Measures No. 1) Regulations 2021**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 19 August 2021

David Hurley  
Governor-General

By His Excellency's Command

Marise Payne  
Minister for Foreign Affairs

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## 1 Name

This instrument is the *Charter of the United Nations Legislation Amendment (2021 Measures No. 1) Regulations 2021*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	24 August 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Charter of the United Nations Act 1945*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Central African Republic**

#### *Charter of the United Nations (Sanctions—Central African Republic) Regulation 2014*

##### **1 Section 4 (definition of Resolution 2387)**

Repeal the definition.

##### **2 Section 4**

Insert:

*Resolution 2499* means Resolution 2499 (2019) of the Security Council, adopted on 15 November 2019.

##### **3 Subparagraph 9(2)(a)(iii)**

Omit “paragraph 65 of Resolution 2387”, substitute “paragraph 52 of Resolution 2499”.

##### **4 Subparagraph 9(2)(d)(ii)**

Omit “approved in advance by”, substitute “notified in advance to”.

##### **5 Subparagraph 9(2)(f)(i)**

After “Area”, insert “, or by armed wildlife rangers of the Chinko Project and the Bamingui-Bangoran National Park,”.

##### **6 Paragraph 9(2)(g)**

Omit “arms or other related lethal equipment”, substitute “goods covered by subsection (2A)”.

##### **7 Subparagraph 9(2)(g)(ii)**

Omit “approved in advance by”, substitute “notified in advance to”.

##### **8 After subsection 9(2)**

Insert:

- (2A) For the purposes of paragraph (2)(g), this subsection covers the following:
- (a) weapons with a calibre of 14.5 millimetres or less;
  - (b) ammunition or components specially designed for such weapons;
  - (c) unarmed ground military vehicles;
  - (d) ground military vehicles mounted with weapons with a calibre of 14.5 millimetres or less;
  - (e) rocket-propelled grenade launchers and ammunition for such launchers.

##### **9 Subparagraph 11(2)(b)(ii)**

Omit “approved in advance by”, substitute “notified in advance to”.

## Part 2—Democratic Republic of the Congo

### *Charter of the United Nations (Sanctions—Democratic Republic of the Congo) Regulations 2008*

#### **10 Regulation 4 (note to definition of *designated person or entity*)**

Omit “2014”, substitute “2021”.

#### **11 Regulation 4 (definition of *MONUC*)**

Repeal the definition.

#### **12 Regulation 4**

Insert:

*MONUSCO* means the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

*protective clothing* includes flak jackets and military helmets.

#### **13 Regulation 4 (definition of *Resolution 1493*)**

Repeal the definition.

#### **14 Subregulation 8(6) (note)**

Omit “2014”, substitute “2021”.

#### **15 Paragraph 9(2)(b)**

Omit “MONUC”, substitute “MONUSCO or the African Union-Regional Task Force”.

#### **16 Paragraph 9(2)(e)**

Repeal the paragraph, substitute:

(e) another supply that has been approved in advance by the Committee.

#### **17 Subregulation 9(3) (note)**

Omit “2014”, substitute “2021”.

#### **18 Subregulation 10(6) (note)**

Omit “2014”, substitute “2021”.

#### **19 Paragraph 11(2)(b)**

Repeal the paragraph, substitute:

(b) a service consisting of assistance, advice or training intended solely for the support of, or use by, MONUSCO or the African Union-Regional Task Force;

#### **20 Paragraph 11(2)(d)**

Repeal the paragraph, substitute:

- (d) another service consisting of assistance, or the provision of personnel, that has been approved in advance by the Committee.

**21 Subregulation 11(3) (note)**

Omit “2014”, substitute “2021”.

## Part 3—ISIL (Da'esh) and Al-Qaida

### *Charter of the United Nations (Dealing with Assets) Regulations 2008*

#### **22 Regulation 4 (paragraph (a) of the definition of Sanctions Regulations)**

Repeal the paragraph, substitute:

- (a) the *Charter of the United Nations (Sanctions—ISIL (Da'esh) and Al-Qaida) Regulations 2008*;

### *Charter of the United Nations (Sanctions—Al-Qaida) Regulations 2008*

#### **23 Regulation 1**

Omit “*Al-Qaida*”, substitute “*ISIL (Da'esh) and Al-Qaida*”.

#### **24 Regulation 4 (paragraph (b) of the definition of designated person or entity)**

Repeal the paragraph, substitute:

- (b) the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh); or
- (c) a person or entity designated in the ISIL (Da'esh) & Al-Qaida Sanctions List maintained by the Committee, as existing from time to time.

Note: The ISIL (Da'esh) & Al-Qaida Sanctions List could in 2021 be viewed on the United Nations' website (<http://www.un.org>).

#### **25 Regulation 4 (definition of Resolution 1989)**

Repeal the definition.



## **Part 4—Somalia**

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

#### **26 Regulation 4 (note to the definition of *designated person or entity*)**

Omit “2014”, substitute “2021”.

#### **27 Regulation 4 (definitions of *Resolution 733* and *Resolution 2111*)**

Repeal the definitions.

#### **28 Regulation 4**

Insert:

*Resolution 2551* means Resolution 2551 (2020) of the Security Council, adopted on 12 November 2020.

#### **29 Subregulation 8(6) (note)**

Omit “2014”, substitute “2021”.

#### **30 Paragraphs 9(2)(a) to (e)**

Repeal the paragraphs, substitute:

- (a) a supply (other than a supply covered by paragraph (b), (c) or (d)) intended solely for the development of the Somali National Security Forces, or Somalia security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people;
- (b) a supply of goods set out in Annex A to Resolution 2551, that:
  - (i) is intended solely for the development of the Somali National Security Forces, or Somalia security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people; and
  - (ii) has been approved in advance by the Committee;
- (c) a supply, by a Member State or an international, regional or sub-regional organisation, of goods set out in Annex B to Resolution 2551:
  - (i) that is intended solely for the development of the Somali National Security Forces, to provide security for the Somali people; and
  - (ii) of which the Committee has been notified, at least 5 working days in advance, by the Federal Government of Somalia or the supplying Member State or organisation;
- (d) a supply, by a Member State or an international, regional or sub-regional organisation, of goods set out in Annex B to Resolution 2551:
  - (i) that is intended solely for the purposes of helping develop Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people; and
  - (ii) of which the Committee was notified by the supplying Member State or organisation and did not, within 5 working days after receiving the notification, make a negative decision; and

- (iii) of which the Federal Government of Somalia was informed by the supplying Member State or organisation, in parallel with the notification to the Committee and within 5 working days in advance of the supply;
- (e) a supply intended solely for the support of, or use by, any of the following:
  - (i) United Nations personnel, including UNSOM;
  - (ii) AMISOM;
  - (iii) AMISOM's strategic partners, operating solely under the latest African Union strategic concept of operations and in cooperation and coordination with AMISOM;
  - (iv) the EUTM in Somalia;

### **31 Paragraph 9(2)(i)**

Repeal the paragraph, substitute:

- (i) a supply of goods set out in Part I of Annex C to Resolution 2551, for which the Minister is satisfied that:
  - (i) the goods will not be used in the manufacture in Somalia of an improvised explosive device; or
  - (ii) there is no significant risk that the goods may be used in the manufacture in Somalia of an improvised explosive device.

### **32 After subregulation 9(2)**

Insert:

- (2A) If the Minister grants a permit for a supply mentioned in paragraph (2)(i), the Minister must notify the Committee of the supply within 15 working days after the supply takes place.

### **33 Subregulation 9(3)**

After "(2)", insert "or (2A)".

### **34 Subregulation 9(3) (note)**

Omit "2014", substitute "2021".

### **35 Subregulation 10(6) (note)**

Omit "2014", substitute "2021".

### **36 Paragraphs 11(2)(a) to (f)**

Repeal the paragraphs, substitute:

- (a) a service consisting of advice, assistance or training intended solely for the development of the Somali National Security Forces, to provide security for the Somali people;
- (b) a service consisting of advice, assistance or training intended solely for the purposes of helping develop Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people:
  - (i) of which the Committee was notified by the supplying Member State or organisation and did not, within 5 working days after receiving the notification, make a negative decision; and

- (ii) of which the Federal Government of Somalia was informed by the supplying Member State or organisation, in parallel with the notification to the Committee and within 5 working days in advance of the provision of the service;
- (c) a service consisting of advice, assistance or training intended solely for the support of, or use by, any of the following:
  - (i) United Nations personnel, including UNSOM;
  - (ii) AMISOM;
  - (iii) AMISOM's strategic partners, operating solely under the latest African Union Strategic Concept of Operations and in cooperation and coordination with AMISOM;
  - (iv) the EUTM in Somalia;

**37 Subsection 11(2) (note)**

Omit "paragraph 5", substitute "paragraphs 5 and 12".

**38 Subsection 11(3) (note)**

Omit "2014", substitute "2021".