

Reprint
as at 5 April 2018



United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389)

United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008: revoked, on 5 April 2018, pursuant to clause 3 of the United Nations Sanctions (Côte d'Ivoire) Regulations Revocation Order 2018 (LI 2018/30).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 20th day of October 2008

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 2 of the United Nations Act 1946, His Excellency the Governor-General, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to resolution 1643 (2005) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 15 December 2005, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Côte d'Ivoire the measures set out in that resolution,—

makes the following regulations.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Foreign Affairs and Trade.

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Regulations

1 Title

These regulations are the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

These regulations amend the United Nations Sanctions (Côte d'Ivoire) Regulations 2005.

4 Interpretation

Regulation 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:

committee means the committee established under paragraph 14 of resolution 1572 of the Security Council of the United Nations

UNOCI means the United Nations Operation in Côte d'Ivoire

5 Exportation of arms to Côte d'Ivoire prohibited

Regulation 4 is amended by adding the following subclause:

(3) Subclause (1) does not apply to—

(a) arms, related materiel, and technical assistance intended solely for the support of, or use by,—

- (i) UNOCI; or
- (ii) the French forces acting in support of UNOCI; or
- (b) non-lethal military equipment and related technical assistance—
 - (i) that is intended solely for self-protection or humanitarian aid; and
 - (ii) the supply of which has been approved in advance by the committee; or
- (c) protective clothing (including flak jackets and military helmets) temporarily exported to Côte d'Ivoire by the following persons for their own personal use in that country:
 - (i) United Nations personnel;
 - (ii) representatives of the media, humanitarian and development workers, and associated personnel; or
- (d) arms, related materiel, and technical assistance temporarily exported to Côte d'Ivoire to the armed forces of any State taking action in that country if—
 - (i) that action is taken, in accordance with international law, solely and directly to facilitate the evacuation of that State's citizens and those other persons for whom that State has consular responsibility in Côte d'Ivoire; and
 - (ii) the supply of those arms, that related materiel, or that technical assistance, as the case may be, is approved in advance by the committee; or
- (e) arms, related materiel, and technical assistance—
 - (i) that is intended solely for the support of, or use in, the process of restructuring defence and security forces in Côte d'Ivoire; and
 - (ii) the supply of which has been approved in advance by the committee.

6 New heading and new regulations 12A to 12C inserted

The following heading and regulations are inserted after regulation 12:

Prohibition on importing of diamonds from Côte d'Ivoire

12A Importation of diamonds from Côte d'Ivoire prohibited

- (1) Except with the consent of the Minister, the importation from Côte d'Ivoire into New Zealand, whether directly or indirectly, of diamonds is prohibited.
- (2) For the purposes of subclause (1), it does not matter whether or not the diamonds originated in Côte d'Ivoire.

- (3) Subclause (1) does not apply to any diamonds that were imported from Côte d'Ivoire on the date on which this regulation comes into force or at any time before that day.
- (4) The chief executive of the Customs may determine any dispute as to the date of exportation of diamonds from Côte d'Ivoire.

12B Application of Customs and Excise Act 1996 to prohibited imports

The provisions of the Customs and Excise Act 1996 with respect to prohibited imports (except section 209) apply to diamonds whose importation is prohibited by regulation 12A in all respects as if the importation of the diamonds was prohibited by section 54 of the Customs and Excise Act 1996.

12C Detention of, and payment for, prohibited diamonds

- (1) A reference in this regulation to prohibited diamonds is a reference to diamonds whose importation is prohibited by regulation 12A.
- (2) A Customs officer may detain any diamonds imported into New Zealand that he or she suspects on reasonable grounds to be prohibited diamonds.
- (3) An importer of prohibited diamonds for which payment has not been made must pay the purchase price of the diamonds into a trust bank account (the **trust account**) operated under Part 7 of the Public Finance Act 1989 by the Customs.
- (4) All money in the trust account must be dealt with as the Minister of Finance directs.
- (5) Money paid into the trust account is not money deposited for the purposes of section 229 of the Customs and Excise Act 1996.
- (6) The chief executive of the Customs may determine any dispute as to the purchase price of any prohibited diamonds or as to the date of payment for the diamonds.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force 28 days after the date of their notification in the *Gazette*, amend the United Nations Sanctions (Côte d'Ivoire) Regulations 2005 to introduce a ban on the importation of diamonds from that country required by resolution 1643 of the Security Council of the United Nations and to set out the exceptions to the prohibition on the exportation of arms to that country permitted by resolution 1572 of the Security Council of the United Nations.

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**United Nations Sanctions (Côte d'Ivoire) Amendment
Regulations 2008**

Explanatory note

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 23 October 2008.

Reprints notes

1 *General*

This is a reprint of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

United Nations Sanctions (Côte d'Ivoire) Regulations Revocation Order 2018 (LI 2018/30): clause 3