

United Nations Sanctions (Liberia) Regulations 2001

(SR 2001/134)

Pursuant to section 2 of the United Nations Act 1946, Her 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 1343 (2001) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 7 March 2001, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Liberia the measures set out in paragraphs 5 to 7 of that resolution,—
- makes the following regulations.

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These regulations are administered in the Ministry of Foreign Affairs and Trade

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1 Title
These regulations are the United Nations Sanctions (Liberia) Regulations 2001.

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

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

arms includes—

- (a) related materiel of all types, such as weapons, ammunition, military vehicles and equipment, or paramilitary equipment; and
- (b) spare parts for any arms, or for any goods specified in paragraph (a)

Customs or the Customs and Customs officer have the same meaning as in section 2(1) of the Customs and Excise Act 1996

designated close ally or associate of the former Taylor regime means an individual who is—

- (a) a senior official, or other close ally or associate, of the former Taylor regime; and
- (b) designated by or under 1 or more resolutions of the Security Council as an individual against whom a sanction imposed by those resolutions and provided for in regulation 16A or 16B is to be imposed

designated entity means an entity that is—

- (a) owned or controlled, directly or indirectly, by—
 - (i) a member, or designated close ally or associate, of the former Taylor regime; or
 - (ii) a person acting on behalf, or at the direction, of a member, or designated close ally or associate, of the former Taylor regime; and
- (b) designated by or under 1 or more of the resolutions of the Security Council as an entity against whom a sanction imposed by those resolutions and provided for in regulation 16A is to be imposed

entity means a person, group, trust, partnership, or fund, or an unincorporated association or organisation

former Taylor regime or member of the former Taylor regime means the former President of Liberia Charles Taylor, and any member of his immediate family who is designated by or under 1 or more of the resolutions of the Security Council as an individual against whom a sanction imposed by those resolutions and provided for in regulation 16A or 16B is to be imposed

Minister means the Minister of Foreign Affairs and Trade

money includes—

- (a) the banknotes and other currency and money orders of New Zealand or any other country; and
- (b) promissory notes and bills of exchange; and
- (c) any credit in an account with any person

New Zealand includes Tokelau

New Zealand aircraft means an aircraft that is registered or required to be registered in New Zealand under the Civil Aviation Act 1990

New Zealand ship means a ship registered in New Zealand, or recognised by the law of New Zealand as a ship belonging to New Zealand

security—

- (a) includes a share, stock, bond, debenture, debenture stock, mortgage, lien, treasury bill, coupon or warrant representing dividends or interest, and a life or endowment insurance policy, in whatever currency the security is expressed; and
 - (b) also includes any document or means by which the right to the ownership or provision of any money or security, or any interest in money or a security, may be exercised; but
 - (c) does not include a promissory note or bill of exchange.
- (2) A reference in these regulations to the transfer of a security includes a reference to a transfer of a security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.
- (3) The Minister may publish, in any manner the Minister thinks fit (for example, by notice in the *Gazette*, or publication on the Internet, or both),—
- (a) a list of the names of any individuals designated by or under 1 or more resolutions of the Security Council as individuals against whom a sanction imposed by those resolutions and provided for in these regulations is to be imposed; and
 - (b) a list of the names or descriptions of any designated entities; and

- (c) any additions to, or deletions from, the lists referred to in paragraphs (a) and (b).

Compare: SR 2000/223 r 3; SR 2001/26 r 3

Regulation 3 was substituted, as from 14 January 2005, by regulation 3 United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

Prohibited exports

4 Exportation of arms to Liberia prohibited

Except with the consent of the Minister, the exportation of arms from New Zealand to Liberia, whether directly or indirectly, is prohibited.

Compare: SR 1992/371 r 3

5 Customs and Excise Act 1996 to apply to prohibited exports

All provisions of the Customs and Excise Act 1996 with respect to prohibited exports (except section 209) apply with respect to arms whose exportation is prohibited by regulation 4 in all respects as if the exportation of the arms were prohibited under section 56 of that Act.

Compare: SR 1992/371 r 4

6 Detention of prohibited exports

A Customs officer may detain any arms that the Customs officer has reason to suspect are being exported in contravention of regulation 4.

Compare: SR 1992/371 r 5

7 Prohibited exports must not be loaded on to ships or aircraft

If a master of a ship or a pilot in command of an aircraft knows that any arms are intended to be exported in contravention of regulation 4, the master or the pilot must not permit those goods to be loaded on to the ship or aircraft.

Compare: SR 1992/371 r 6

8 Power to withhold clearance of ship or aircraft

If a Customs officer knows that there are on board a ship or aircraft goods intended to be exported in contravention of regulation 4, the Customs may withhold the clearance of the ship or aircraft while the goods remain on board.

Compare: SR 1992/371 r 7

**Transactions relating to imports of arms
into Liberia prohibited****9 Transactions relating to imports of arms into Liberia
prohibited**

Except with the consent of the Minister, no person in New Zealand and no person outside New Zealand who is a New Zealand citizen may enter into, or be concerned in, any sale, transfer, carriage, or delivery of, or other dealing with, any arms if the person knows that the arms are—

- (a) intended to be imported into Liberia; or
- (b) to be supplied or delivered to a person in Liberia; or
- (c) to be supplied or delivered in accordance with the directions of a person in Liberia.

Compare: SR 1992/371 r 8

Carriage of arms to Liberia prohibited**10 Carriage of arms to Liberia prohibited**

- (1) This regulation applies to the following ships and aircraft:
 - (a) New Zealand ships;
 - (b) New Zealand aircraft;
 - (c) any other ship or aircraft that is, for the time being, chartered to any person who is a New Zealand citizen or a body incorporated or constituted under the law of New Zealand.
- (2) No ship or aircraft to which this regulation applies may be used for the carriage of any arms if the carriage is, or forms part of, carriage from any place outside Liberia to any destination in Liberia.

- (3) Nothing in this regulation applies to the carriage of arms in respect of which the consent of the Minister has been given under regulation 4 or regulation 9.
- (4) This regulation does not limit any of regulations 4 to 9.
Compare: SR 1992/371 r 9

11 Liability of owner, charterer, master, or pilot in command

- (1) If any ship or aircraft is used in contravention of regulation 10, each of the following persons is guilty of an offence against these regulations:
 - (a) in the case of a New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3), the owner and the master of the ship or, as the case requires, the owner and the pilot in command of the aircraft;
 - (b) in the case of any other ship or aircraft, the charterer of the ship or aircraft and, if the master of the ship or pilot in command of the aircraft is a New Zealand citizen, the master or pilot in command.
- (2) It is a defence to any offence if the person concerned proves that he or she did not know, and had no reason to suppose, that the carriage of the arms was, or formed part of, carriage from any place outside Liberia to any destination in Liberia.
- (3) In this regulation, **owner** and **charterer**, in relation to a ship, include any person acting as the agent of the owner or, as the case requires, the agent of the charterer.

Compare: SR 1992/371 r 10

**Liberia must not be provided with
technical assistance or training relating
to arms**

**12 Liberia must not be provided with technical assistance
or training relating to arms**

Except with the consent of the Minister, no person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may provide to, or in accordance with the instructions of, any person in Liberia any technical assistance or training

relating to the provision, manufacture, maintenance, or use of arms.

Compare: SR 2000/223 r 12

Prohibition on importing diamonds from Liberia

13 Importation of diamonds from Liberia prohibited

- (1) Except with the consent of the Minister, the importation from Liberia 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 Liberia.
- (3) Subclause (1) does not apply to any diamonds that were exported from Liberia on or before 7 May 2001.
- (4) The Chief Executive of the Customs may determine any dispute as to the date of exportation of diamonds from Liberia.

Compare: SR 1993/336 r 7A

14 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 13 in all respects as if the importation of the diamonds were prohibited under section 54 of the Customs and Excise Act 1996.

Compare: SR 1993/336 r 7B

15 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 13.
- (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.

Compare: SR 1993/336 r 7C

Entry of citizens of Liberia

16 Liberian citizens to enter New Zealand only if consistent with determinations of Security Council

- (1) No Liberian citizen may enter New Zealand, or transit through New Zealand, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.
- (2) A permit or visa may be granted or issued, under the Immigration Act 1987, to a Liberian citizen only on the advice of the Secretary of Foreign Affairs and Trade that the permit or visa is consistent with subclause (1).
- (3) This regulation operates in addition to the requirements of the Immigration Act 1987 and of any regulations made under that Act.

Compare: SR 1997/281 r 11

Funds of or for former Taylor regime, etc

This heading was inserted, as from 14 January 2005, by regulation 4 United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

16A Prohibition on dealings in assets, money, or securities of, or derived from property of, former Taylor regime, etc

- (1) No person may knowingly transfer, pay for, sell, assign, dispose of, or otherwise deal with any asset, money, or security—
 - (a) that is—

- (i) owned or controlled, directly or indirectly, by a member, or designated close ally or associate, of the former Taylor regime; or
 - (ii) held by a designated entity; or
 - (iii) derived or generated from any asset, money, or security of the kind specified in subparagraph (i) or (ii); and
- (b) that is located in New Zealand.
- (2) Subclause (1) does not apply if the Minister has consented to that transfer, sale, assignment, or disposal of, payment for, or other dealing with, the asset, money, or security.
- (3) It is a defence to a prosecution under this regulation in respect of any asset, money, or security derived or generated from any asset, money, or security of the kind specified in subclause (1)(a)(i) or (ii) (a **restricted item**) if the defendant proves that he or she received the asset, money, or security in good faith, at a time when he or she did not know that it was a restricted item or derived or generated from a restricted item.

Compare: SR 2001/26 r 15

Regulations 16A and 16B were inserted, as from 14 January 2005, by regulation 4 United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

16B Prohibition on sending funds to members, or designated close allies or associates, of former Taylor regime

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may knowingly send, transfer, or deliver, or knowingly cause to be sent, transferred or delivered, whether directly or indirectly, any money or security—
 - (a) to a member, or designated close ally or associate, of the former Taylor regime; or
 - (b) for the benefit of a member, or designated close ally or associate, of the former Taylor regime.
- (2) Subclause (1) does not apply if the Minister has consented to that sending, transfer, or delivery of the money or security.

Compare: SR 2001/26 r 16

Regulations 16A and 16B were inserted, as from 14 January 2005, by regulation 4 United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

Miscellaneous provisions

17 Offences

Every person commits an offence against these regulations and is liable accordingly under section 3 of the United Nations Act 1946 who acts in contravention of, or fails to comply in any respect with, any provision of these regulations.

Compare: SR 1992/371 r 11

18 Attorney-General's consent and certificate in certain cases

If an offence against these regulations is alleged to have been committed outside New Zealand, a prosecution for the offence may not be commenced without—

- (a) the Attorney-General's consent; and
- (b) the Attorney-General's certificate that it is expedient that the proceedings be commenced.

Compare: SR 1992/371 r 12

19 Customs and Excise Act 1996 not affected

These regulations do not affect the Customs and Excise Act 1996.

20 Revocation

The United Nations Sanctions (Liberia) Regulations 1992 (SR 1992/371) are revoked.

Marie Shroff,
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 on the day after the date of their notification in the Gazette, give effect to resolution 1343 (2001)

of the Security Council of the United Nations, adopted on 7 March 2001 (the resolution)

As required by the resolution, these regulations prohibit—

- the sale, supply, or transportation to Liberia of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, and spare parts
- the provision to Liberia of technical assistance or training in relation to weapons or military equipment:
- the direct or indirect importation of diamonds from Liberia.

The resolution also requires member States to prevent the entry into, or transit through, their territories of individuals designated by a committee established by the Security Council under the resolution. Individuals who may be designated in that way are senior members of the Government of Liberia and its armed forces and their spouses and other individuals who provide financial or military support to armed rebel groups in countries neighbouring Liberia, particularly Sierra Leone. That committee may waive those entry and transit restrictions for humanitarian purposes or to assist in the peaceful resolution of the conflict in the subregion.

The regulations provide that citizens of Liberia may not enter or pass through New Zealand if that would breach New Zealand's obligations under a determination of the Security Council made under Article 41 of the Charter of the United Nations.

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