



United Nations Sanctions (Mali) Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 5th day of March 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 2 of the United Nations Act 1946—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to resolution 2374 (2017) adopted on 5 September 2017 by the Security Council of the United Nations under the United Nations Charter.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
<i>Entry and transit of designated persons</i>	
4 Prohibition on designated persons entering or transiting through New Zealand	3
<i>Property of designated persons</i>	
5 Prohibition on dealing with New Zealand property of designated persons	3
6 Prohibition on sending any property to designated persons	3

	<i>Minister's consent in relation to property of designated persons</i>	
7	Minister may consent to activity prohibited by regulation 5(1) or 6(1)	4
	<i>Miscellaneous provisions</i>	
8	Offences	5
9	Attorney-General's consent and certificate in certain cases	5
10	Minister may publish list of designated persons	5

Regulations

1 Title

These regulations are the United Nations Sanctions (Mali) Regulations 2018.

2 Commencement

These regulations come into force on 5 April 2018.

3 Interpretation

In these regulations, unless the context otherwise requires,—

agent of a designated person means—

- (a) any person who acts on behalf of, or at the direction of,—
 - (i) a designated person; or
 - (ii) another person who, directly or indirectly, acts on behalf of the designated person; or
- (b) any entity owned or controlled by a designated person or by a person described in paragraph (a)

Committee means the Committee established by paragraph 9 of resolution 2374

designated person means an individual or entity designated by the Committee or the Security Council of the United Nations as one to whom or to which the measures set out in resolution 2374 apply

Minister means the Minister of Foreign Affairs

New Zealand includes Tokelau

property means anything that is capable of being owned, inside or outside New Zealand, including any real property, personal property, tangible property, intangible property, legal or equitable estate in property, or legal or equitable interest in property

resolution 2374 means resolution 2374 (2017) adopted on 5 September 2017 by the Security Council of the United Nations.

*Entry and transit of designated persons***4 Prohibition on designated persons entering or transiting through New Zealand**

- (1) A designated person must not enter New Zealand or transit through New Zealand.
- (2) Subclause (1) does not apply to a designated person who is a New Zealand citizen.
- (3) Subclause (1) does not apply so as to prevent a person from entering or transiting through New Zealand if—
 - (a) the Committee has determined that the entry or transit is justified on the grounds of humanitarian need, including religious obligation; or
 - (b) the entry or transit is necessary for the fulfilment of a judicial process; or
 - (c) the Committee has determined that the entry or transit would further the objectives of peace and national reconciliation in Mali and stability in the region.
- (4) A visa may be granted under the Immigration Act 2009 to a designated person only on the advice of the Secretary of Foreign Affairs and Trade that the visa is consistent with subclauses (1) to (3).
- (5) This regulation operates in addition to the requirements of the Immigration Act 2009 and of any regulations made under that Act.

*Property of designated persons***5 Prohibition on dealing with New Zealand property of designated persons**

- (1) No person may transfer, sell, assign, dispose of, pay for, or otherwise deal with any property located in New Zealand that the person knows is owned or controlled, directly or indirectly,—
 - (a) by a designated person; or
 - (b) by an agent of a designated person.
- (2) Subclause (1) does not apply if the Minister has consented to the dealing in accordance with regulation 7.
- (3) It is a defence to a prosecution under this regulation if the defendant proves that the defendant dealt with the property in good faith for the purpose of, or in connection with, the enforcement or intended enforcement of these regulations.

6 Prohibition on sending any property to designated persons

- (1) No person in New Zealand, and no New Zealand citizen outside New Zealand, may knowingly send, transfer, or deliver, or knowingly cause to be sent, transferred, or delivered, whether directly or indirectly, any property—
 - (a) to a designated person; or

- (b) for the benefit of a designated person.
- (2) Subclause (1) does not apply if the Minister has consented to the sending, transfer, or delivery of the property in accordance with regulation 7.

Minister's consent in relation to property of designated persons

7 Minister may consent to activity prohibited by regulation 5(1) or 6(1)

- (1) If the Minister consents to an activity under this regulation, the prohibitions in regulations 5(1) and 6(1) do not apply to the activity.
- (2) In deciding whether to consent to an activity under this regulation, the Minister must have regard to paragraphs 5, 6, and 7 of resolution 2374.
- (3) The Minister may consent to an activity prohibited by regulation 5(1) or 6(1)—
 - (a) if—
 - (i) the Minister is satisfied that the activity is necessary for a designated person to meet basic expenses; and
 - (ii) notice of the Minister's intention to consent has been given to the Committee; and
 - (iii) the Committee has not, within 5 working days after receiving the Minister's notification, made a negative decision in respect of the dealing; or
 - (b) if—
 - (i) the Minister is satisfied that the activity is necessary for a designated person to meet extraordinary expenses; and
 - (ii) notice of the Minister's intention to consent has been given to the Committee; and
 - (iii) the Committee has approved the dealing; or
 - (c) if—
 - (i) the Minister is satisfied that the activity is necessary for a designated person to satisfy a judicial, administrative, or arbitral lien or judgment that took effect before 5 September 2017, other than a lien or judgment for the benefit of a designated person; and
 - (ii) notice of the Minister's intention to consent has been given to the Committee.
- (4) The Minister may consent to the following being added to an account:
 - (a) interest or other earnings due on the account:
 - (b) payments due under any contract, agreement, or obligation of a designated person that arose before the date of their designation.
- (5) The prohibitions in regulations 5(1) and 6(1) apply to interest and other earnings and payments added to an account under subclause (4).

- (6) The Minister may consent to a payment being made by a designated person under a contract entered into before the person became a designated person if—
- (a) the Minister is satisfied that the payment will not, directly or indirectly, be received by a designated person; and
 - (b) at least 10 working days' notice of the Minister's intention to consent has been given to the Committee.

Miscellaneous provisions

8 Offences

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

9 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.

10 Minister may publish list of designated persons

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 designated persons; and
- (b) any additions to, or deletions from, the list.

Michael Webster,
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 5 April 2018, give effect to resolution 2374 (2017) adopted on 5 September 2017 by the Security Council of the United Nations under the United Nations Charter (**resolution 2374**). The regulations—

- prevent persons designated by the Committee established under resolution 2374 or by the Security Council (**designated persons**) from entering or transiting through New Zealand:
- freeze the New Zealand property of designated persons:
- impose restrictions on transfers of property to, or for the benefit of, designated persons by persons in New Zealand or by New Zealand citizens anywhere.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 8 March 2018.

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