

Reprint
as at 18 May 2017



United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2009

(SR 2009/216)

United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2009: revoked, on 18 May 2017, pursuant to regulation 57 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 (LI 2017/74).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 10th day of August 2009

Present:

His Excellency the Governor-General 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 1874 (2009) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 12 June 2009, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of the Democratic People's Republic of Korea 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 (Democratic People's Republic of Korea) Amendment Regulations 2009.

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 (Democratic People's Republic of Korea) Regulations 2006.

4 Interpretation

- (1) The definition of **Committee** in regulation 3(1) is amended by omitting “the resolution” and substituting “resolution 1718”.
- (2) The definition of **designated person** in regulation 3(1) is amended by omitting “the resolution” in each place where it appears and substituting in each case “resolution 1718”.
- (3) The definition of **military equipment** in regulation 3(1) is amended by omitting “the resolution” and substituting “resolution 1718”.

- (4) Regulation 3(1) is amended by revoking the definition of **resolution** and substituting the following definitions:
- resolution 1718** means resolution 1718 (2006) of the Security Council of the United Nations
- resolution 1874** means resolution 1874 (2009) of the Security Council of the United Nations
- (5) The definition of **specified goods** in regulation 3(1) is amended by revoking paragraph (a) and substituting the following paragraph:
- (a) arms; or
- (6) The definition of **WMD and ballistic missile-related goods** in regulation 3(1) is amended by revoking paragraph (a) and substituting the following paragraph:
- (a) set out in the provisions of the lists in the following documents:
- (i) S/2006/814:
 - (ii) S/2006/815:
 - (iii) S/2006/853:
 - (iv) S/2006/853/CORR.1:
 - (v) S/2009/205:
 - (vi) INFCIRC/254/Rev.9/Part 1a:
 - (vii) INFCIRC/254/Rev.7/Part 2a; or
- (7) Paragraph (b)(ii) of the definition of **WMD and ballistic missile-related goods** in regulation 3(1) is amended by omitting “the resolution” and substituting “resolution 1718”.
- (8) Regulation 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:
- arms** includes—
- (a) related materiel of all types (for example, weapons and ammunition); and
 - (b) spare parts for any arms, or for any goods specified in paragraph (a); and
 - (c) military equipment, as defined in these regulations
- bunkering service**, for a vessel, includes—
- (a) the provision of fuel to the vessel; and
 - (b) the provision of supplies to the vessel; and
 - (c) other servicing of the vessel
- DPRK vessel** means a vessel registered in the DPRK or owned or controlled by the DPRK

- (9) Regulation 3(3) is amended by inserting the following paragraphs after paragraph (d):
- (da) a list of the names of all or any of the goods referred to in paragraph (a) of the definition (in subclause (1)) of WMD and ballistic missile-related goods:
 - (db) any additions to, or deletions from, the list referred to in paragraph (da):

5 Importation of specified goods from DPRK prohibited

Regulation 4(1) is amended by revoking paragraph (a) and substituting the following paragraph:

- (a) arms; or

6 Procurement of specified goods from DPRK prohibited

Regulation 11(1) is amended by revoking paragraph (a) and substituting the following paragraph:

- (a) arms; or

7 Carriage of specified goods to or from DPRK prohibited

Regulation 12(1)(b) is amended by omitting “military equipment” and substituting “arms”.

8 Provision to or from DPRK of advice, assistance, services, etc, of specified kind prohibited

Regulation 14(4) is amended by revoking paragraph (a) and substituting the following paragraph:

- (a) arms; and

9 New regulations 14A and 14B inserted

The following regulations are inserted after regulation 14:

14A Conduct of financial transactions of specified kind prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may conduct a financial transaction of the specified kind with or for—
- (a) any person in DPRK; or
 - (b) a national of DPRK outside DPRK; or
 - (c) any entity owned or controlled by DPRK; or
 - (d) any person or entity acting on behalf, or at the direction, of DPRK or an entity owned or controlled by DPRK.
- (2) For the purposes of subclause (1), a person conducts a financial transaction if he or she—

- (a) is a party to the transaction; or
 - (b) procures the transaction; or
 - (c) supplies or provides any financial or related services that facilitate the transaction.
- (3) Subclause (1) does not apply if the Minister has consented to the conduct of that financial transaction of the specified kind.
- (4) Financial transactions are of the specified kind for the purposes of subclauses (1) and (3) if they are related to the provision, manufacture, maintenance, or use of specified goods that are—
- (a) arms; or
 - (b) WMD and ballistic missile-related goods.

14B Provision of bunkering services to DPRK vessels prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may engage in conduct that assists or results in the provision of bunkering services to a DPRK vessel.
- (2) Subclause (1) does not apply if—
- (a) that provision of bunkering services is necessary to facilitate the inspection of the vessel's cargo or the seizure or disposal of any specified goods on the vessel; or
 - (b) that provision of bunkering services is necessary for humanitarian purposes; or
 - (c) the Minister has consented to that provision of bunkering services.

10 Exceptions to regulations 15 and 16

Regulation 16A(2) is amended by omitting “the resolution” in each place where it appears and substituting in each case “resolution 1718”.

11 New regulation 18 substituted

Regulation 18 is revoked and the following regulation substituted:

18 Preconditions to consent

Before consenting to an activity under regulation 4(2), 5(2), 10(2), 11(3), 14(3), 14A(3), 14B(2)(c), or 16A(2), the Minister must be satisfied that the activity—

- (a) is not inconsistent with the measures set out in paragraph 8 of resolution 1718 (as extended by paragraphs 9 and 10 of resolution 1874); or
- (b) is, under paragraph 9 of resolution 1718 or paragraph 9, 10, or 17 of resolution 1874, as the case may be, an activity to which those measures do not apply.

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 on the 28th day after the date of their notification in the *Gazette*, are made under the United Nations Act 1946. The regulations amend the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2006 to—

- extend the existing embargo relating to military equipment to arms generally; and
- extend the definition of WMD and ballistic missile-related goods to include recently published lists of such items; and
- prohibit the conduct of financial transactions of a specified kind; and
- prohibit the provision of bunkering services to DPRK vessels; and
- update the preconditions to ministerial consent for otherwise prohibited activities.

These measures are required by resolution 1874 (2009) of the Security Council of the United Nations.

These regulations also make a number of consequential and technical amendments.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 13 August 2009.

Reprints notes

1 *General*

This is a reprint of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2009 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 (Democratic People's Republic of Korea) Regulations 2017 (LI 2017/74): regulation 57