



United Nations Sanctions (Eritrea and Ethiopia) Regulations 2000

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 6th day of November 2000

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 1298 (2000) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 17 May 2000, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Eritrea and Ethiopia the measures set out in paragraph 6 of that resolution,—

makes the following regulations.

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Regulations

1 Title

These regulations are the United Nations Sanctions (Eritrea and Ethiopia) Regulations 2000.

2 Commencement

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

3 Interpretation

In these regulations, unless the context otherwise requires,—
arms includes—

- (a) related *matériel* of all types (for example, weapons, ammunition, military vehicles and equipment, or paramilitary police 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

New Zealand includes Tokelau

New Zealand aircraft means any 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.

Compare: SR 1994/114 r 2

*Exportation of arms to Eritrea or Ethiopia prohibited***4 Exportation of arms to Eritrea or Ethiopia prohibited**

- (1) The exportation from New Zealand to Eritrea or Ethiopia, whether directly or indirectly, of any arms, is prohibited.
- (2) Subclause (1) does not apply if the Minister of Foreign Affairs and Trade has consented to that exportation of the arms.

Compare: SR 1994/114 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 1994/114 r 4

6 Detention of prohibited exports

A Customs officer may detain any arms he or she suspects on reasonable grounds to be arms whose exportation is prohibited by regulation 4.

Compare: SR 1994/114 r 5

7 Prohibited exports not to be loaded onto ships or aircraft

The master of a ship or the pilot in command of an aircraft must not permit to be laden in the ship or aircraft any arms whose exportation is prohibited by regulation 4, knowing that the arms are intended to be exported in contravention of that regulation.

Compare: SR 1994/114 r 6

8 Power to withhold clearance of ship or aircraft

The Customs may withhold the clearance of any ship or aircraft so long as there are on board the ship or aircraft any arms any Customs officer knows to be arms whose exportation is prohibited by regulation 4.

Compare: SR 1994/114 r 7

*Transactions in relation to imports of arms into Eritrea or
Ethiopia prohibited*

**9 Transactions in relation to imports of arms into Eritrea
or Ethiopia prohibited**

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may enter into or be concerned in any sale, transfer, carriage, or delivery of, or other dealing with, any arms, knowing that those arms—
 - (a) are intended to be imported into Eritrea or Ethiopia; or
 - (b) are to be supplied or delivered to, or to the order of, any person in Eritrea or Ethiopia.
- (2) Subclause (1) does not apply if the Minister of Foreign Affairs and Trade has consented to that sale, transfer, carriage, or delivery of, or other dealing with, the arms.

Compare: SR 1994/114 r 8

Carriage of arms to Eritrea or Ethiopia prohibited

10 Carriage of arms to Eritrea or Ethiopia prohibited

- (1) No ship or aircraft may be used for the carriage of any arms if the carriage is, or forms part of, carriage from any place outside Eritrea or Ethiopia to any destination in Eritrea or Ethiopia.
- (2) Subclause (1) does not apply if the Minister of Foreign Affairs and Trade has consented to that carriage of arms under any of these regulations.
- (3) In subclause (1), **ship or aircraft** means—
 - (a) any New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3);
 - (b) any other ship or aircraft that is, for the time being, chartered to any New Zealand citizen, or to any body incorporated or constituted under the law of New Zealand.
- (4) Subclause (1) does not limit any of regulations 4 to 9.

Compare: SR 1994/114 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) However, it is a defence to any such 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 Eritrea or Ethiopia to any destination in Eritrea or Ethiopia.
- (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 1994/114 r 10

Provision to Eritrea or Ethiopia of technical assistance or training relating to arms prohibited

12 Provision to Eritrea or Ethiopia of technical assistance or training relating to arms prohibited

No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may provide to, or to the order of, any person in Eritrea or Ethiopia any technical assistance or training relating to the provision, manufacture, maintenance, or use of any arms.

Miscellaneous provisions

13 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 of these regulations.

Compare: SR 1999/415 r 6

14 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 1999/415 r 7

15 Customs and Excise Act 1996 not affected

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

Compare: SR 1997/281 r 14

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 are made for the purpose of giving effect to resolution 1298 (2000) of the Security Council of the United Nations, adopted on 17 May 2000. Paragraph 6 of that resolution calls on member States to apply in respect of Eritrea and Ethiopia measures relating to **arms** (including not only related *matériel* of all types—for example, weapons, ammunition, military vehicles and equipment, and paramilitary police equipment—but also any spare parts for any arms, or for any related *matériel*).

The regulations, which come into force on the 28th day after the date of their notification in the *Gazette*,—

- prohibit the exportation of arms from New Zealand to Eritrea or Ethiopia; and
- prohibit any person who is in New Zealand or is a New Zealand citizen outside New Zealand—

- from entering into or being concerned in any transaction involving the sale, transfer, carriage, or delivery of, or other dealing with, any arms, if the person knows that those arms are destined for Eritrea or Ethiopia; and
- from providing to, or to the order of, any person in Eritrea or Ethiopia any technical assistance or training relating to the provision, manufacture, maintenance, or use of any arms; and
- prohibit the carriage of any arms on any New Zealand ship, New Zealand aircraft, or ship or aircraft chartered by a New Zealand citizen or by a body incorporated or constituted under the law of New Zealand, if the carriage is, or forms part of, carriage from any place outside Eritrea or Ethiopia to any destination in Eritrea or Ethiopia.

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