



## United Nations Sanctions (Central African Republic) Amendment Regulations 2022

Rt Hon Dame Helen Winkelmann, Administrator of the Government

### Order in Council

At Wellington this 1st day of August 2022

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 2(1) 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 2588 (2021) of the Security Council of the United Nations, adopted under the United Nations Charter on 29 July 2021.

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## **Regulations**

### **1 Title**

These regulations are the United Nations Sanctions (Central African Republic) Amendment Regulations 2022.

### **2 Commencement**

These regulations come into force on 1 September 2022.

### **3 Principal regulations**

These regulations amend the United Nations Sanctions (Central African Republic) Regulations 2014.

### **4 Regulation 3 amended (Interpretation)**

(1) In regulation 3(1), revoke the definitions of **AU-RTF**, **BINUCA**, **MICOPAX**, and **MISCA**.

(2) In regulation 3(1), insert in their appropriate alphabetical order:

**MINUSCA** means the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

**resolution 2149** means resolution 2149 (2014) of the Security Council of the United Nations adopted on 10 April 2014

**resolution 2588** means resolution 2588 (2021) of the Security Council of the United Nations adopted on 29 July 2021

- (3) In regulation 3(1), definition of **designated person**, replace “resolutions 2127 and 2134 and provided for in these regulations” with “resolution 2134 and provided for in this regulation and regulations 13 to 16”.
- (4) In regulation 3(1), definition of **specified missions**, replace “resolutions 2127 and 2134” with “resolutions 2149 and 2588”.
- (5) In regulation 3(1), definition of **specified missions**, replace paragraphs (a) to (d) with:
  - (a) MINUSCA:
- (6) In regulation 3(1), definition of **specified missions**, paragraph (e), replace “European Union operation” with “European Union training missions deployed”.
- (7) In regulation 3(1), definition of **specified missions**, after paragraph (f), insert:
  - (g) United Nations member State forces providing training or other assistance to the Central African Republic security forces (including to state civilian law enforcement institutions)—
    - (i) that is intended solely for the support of, or use in, reform of the security sector; and
    - (ii) the provision of which is in co-ordination with MINUSCA and has been notified in advance to the Committee

## 5 Regulation 4 amended (Exportation of arms to Central African Republic prohibited)

- (1) In regulation 4(1), after “the Central African Republic”, insert “knowing that the arms are intended to be exported to the Central African Republic, or are intended for use in, or for the benefit of, the Central African Republic”.
- (2) After regulation 4(4)(a), insert:
  - (aa) non-lethal equipment—
    - (i) that is intended to be supplied to the Central African Republic security forces (including to state civilian law enforcement institutions) solely for the support of, or use in, reform of the security sector; and
    - (ii) the supply of which is in co-ordination with MINUSCA and has been notified in advance to the Committee; or
  - (ab) arms—
    - (i) that are brought into the Central African Republic by Chadian or Sudanese forces solely for their use, in international patrols of the tripartite force established on 23 May 2011 in Khartoum by the Central African Republic, Chad, and Sudan, to enhance security in the common border areas; and

- (ii) the supply of which is in co-operation with MINUSCA and has been approved in advance by the Committee; or
- (3) In regulation 4(4)(b)(ii), replace “approved in advance by the Committee” with “notified in advance to the Committee”.
- (4) Replace regulation 4(4)(d) with:
- (d) small arms and related equipment that are intended solely for 1 (or both) of the following uses and the supply of which has been notified in advance to the Committee:
    - (i) use by international patrols defending the Sangha River Tri-national Protected Area against poaching, smuggling of ivory and arms, or other activities contrary to the national laws or international obligations of the Central African Republic;
    - (ii) use by armed wildlife rangers defending the Chinko Project or the Bamingui-Bangoran National Park against poaching, smuggling of ivory and arms, or other activities contrary to the national laws or international obligations of the Central African Republic; or
  - (da) any of the following items that are intended to be supplied to the Central African Republic security forces (including to state civilian law enforcement institutions) solely for the support of, or use in, reform of the security sector, and the supply of which has been notified in advance to the Committee:
    - (i) weapons with a calibre of 14.5 millimetres or less;
    - (ii) ammunition and components specially designed for weapons with a calibre of 14.5 millimetres or less;
    - (iii) unarmed ground military vehicles and their spare parts;
    - (iv) ground military vehicles mounted with weapons with a calibre of 14.5 millimetres or less and their spare parts;
    - (v) rocket-propelled grenades;
    - (vi) ammunition specially designed for rocket-propelled grenades;
    - (vii) mortars with a calibre of 60 millimetres or 82 millimetres;
    - (viii) ammunition specially designed for mortars with a calibre of 60 millimetres or 82 millimetres; or

**6 New regulation 4A inserted (Notification and approval in advance for exempt supplies)**

After regulation 4, insert:

**4A Notification and approval in advance for exempt supplies**

- (1) Any notification in advance under regulation 4 in relation to a supply of arms must be given at least 20 days before the arms are delivered and must include all of the following information that applies in relation to the arms:
  - (a) a description of the arms, including the type, calibre, and quantity:
  - (b) details of the manufacturer and supplier:
  - (c) serial numbers:
  - (d) lot numbers:
  - (e) the mode of transport and shipping itinerary:
  - (f) the proposed date and place of delivery:
  - (g) the intended use and users of the arms, including any intended destination unit in the Central African Republic security forces:
  - (h) the intended place of storage of the arms following delivery.
- (2) Any request for approval in advance under regulation 4 in relation to a supply of arms must include all of the following information that applies in relation to the arms:
  - (a) a description of the arms, including the type, calibre, and quantity:
  - (b) details of the manufacturer and supplier:
  - (c) serial numbers or the date on which serial numbers are proposed to be provided:
  - (d) lot numbers or the date on which lot numbers are proposed to be provided:
  - (e) the mode of transport and shipping itinerary:
  - (f) the proposed date and place of delivery:
  - (g) the intended use and users of the arms, including any intended destination unit in the Central African Republic security forces:
  - (h) the intended place of storage of the arms following delivery.

**7 Regulation 5 amended (Customs and Excise Act 2018 to apply to prohibited exports)**

- (1) In regulation 5, replace “goods whose exportation is prohibited by regulation 4 as if the exportation of the goods” with “arms that are intended to be exported to the Central African Republic, or are intended for use in, or for the benefit of, the Central African Republic, as if the exportation of the arms”.
- (2) In regulation 5, insert as subclause (2):
- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if—
  - (a) the Minister has consented to the exportation of those goods; or

- (b) the goods are of the kind described in regulation 4(4)(a) to (e).

#### **8 Regulation 6 amended (Detention of prohibited exports)**

- (1) In regulation 6, replace “he or she suspects on reasonable grounds to be goods whose exportation is prohibited by regulation 4” with “that the Customs officer has reasonable cause to suspect are prohibited goods”.
- (2) In regulation 6, insert as subclause (2):
- (2) In this regulation, **prohibited goods** means arms that are intended to be exported to the Central African Republic, or are intended for use in, or for the benefit of, the Central African Republic, other than—
- (a) goods whose exportation the Minister has consented to; and
- (b) goods of the kind described in regulation 4(4)(a) to (e).

#### **9 Regulation 7 amended (Prohibited exports not to be loaded onto ship or aircraft)**

- (1) In regulation 7, replace “goods whose exportation is prohibited by regulation 4, knowing that the goods are intended to be exported in contravention of that regulation” with “arms, knowing that the arms are intended to be exported to the Central African Republic, or knowing that they are intended for use in, or for the benefit of, the Central African Republic”.
- (2) In regulation 7, insert as subclause (2):
- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if—
- (a) the Minister has consented to the exportation of those goods; or
- (b) the goods are of the kind described in regulation 4(4)(a) to (e).

#### **10 Regulation 8 amended (Power to withhold clearance of ship or aircraft)**

- (1) In regulation 8, replace “goods any Customs officer knows to be goods whose exportation is prohibited by regulation 4” with “arms that any Customs officer has reasonable cause to suspect are prohibited goods”.
- (2) In regulation 8, insert as subclause (2):
- (2) In this regulation, **prohibited goods** has the same meaning as in regulation 6.

#### **11 Regulation 9 amended (Transactions in relation to arms prohibited)**

Replace regulation 9(1)(b) with:

- (b) are intended for use in, or for the benefit of, the Central African Republic.

#### **12 Regulation 11 amended (Persons liable for contraventions of regulation 10)**

In regulation 11(2), replace “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 sup-

pose” with “However, a person is not guilty of an offence under subclause (1) unless they knew”.

**13 Regulation 12 amended (Provision to Central African Republic of technical training or assistance relating to arms prohibited)**

(1) In regulation 12(1), replace “may provide to, or at the request of, any person in the Central African Republic any technical training or assistance related to—” with “may provide technical training or assistance related to the following matters, knowing that the training or assistance is provided to a person in the Central African Republic:”.

(2) After regulation 12(2), insert:

(2A) Subclause (1) does not apply to training or assistance provided by United Nations member State forces to the Central African Republic security forces (including to state civilian law enforcement institutions)—

(a) that is intended solely for the support of, or use in, reform of the security sector; and

(b) the provision of which is in co-ordination with MINUSCA and has been notified in advance to the Committee.

**14 Regulation 13 amended (Designated persons to enter New Zealand only if consistent with determinations of Security Council)**

In regulation 13(3)(c), replace “resolution 2134” with “peace and national reconciliation in the Central African Republic and stability in the region”.

**15 Regulation 14 amended (Prohibition on dealings in assets, money, or securities of designated persons)**

(1) In regulation 14(1), replace “knowingly transfer, sell, assign, dispose of, pay for, or otherwise deal with any asset, money, or security located in New Zealand that is” with “transfer, sell, assign, dispose of, pay for, or otherwise deal with any asset, money, or security located in New Zealand knowing that it is”.

(2) Revoke regulation 14(4).

**16 Regulation 15 amended (Prohibition on sending assets, money, or securities to designated persons)**

In regulation 15(1), replace “knowingly send, transfer, or deliver, or knowingly cause to be sent, transferred, or delivered, whether directly or indirectly, any asset, money, or security” with “send, transfer, or deliver, or cause to be sent, transferred, or delivered, whether directly or indirectly, any asset, money, or security, knowing that it is being sent, transferred, or delivered”.

**17 Regulation 17 amended (Preconditions to consent)**

Replace regulation 17(a) with:

(a) paragraph 1 of resolution 2588:

Rachel Hayward,  
Acting 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 1 September 2022, amend the United Nations Sanctions (Central African Republic) Regulations 2014 (the **principal regulations**). They relate to the arms embargo and other United Nations Security Council sanctions against the Central African Republic that are provided for by the principal regulations.

*Regulations 4, 5(2) to (4), 6, 13(2), 14, and 17* of these regulations give effect to United Nations Security Council resolution 2588 (2021), adopted on 29 July 2021. They—

- introduce new exceptions to the arms embargo, so that it no longer applies to certain arms imported by Chadian or Sudanese forces for use in international border patrols, or to certain arms, equipment, or military training provided to Central African Republic security forces in connection with reforming the security sector:
- expand the existing exception for wildlife reserves, so that the embargo no longer applies to small arms and related equipment supplied to wildlife rangers in some areas:
- provide for some exceptions to be available only by advance notice to, or consent of, the relevant Security Council committee:
- make various minor amendments, for example, to update references to military forces and Security Council resolutions.

*Regulations 5(1), 12, 13(1), 15, and 16* introduce a knowledge requirement for offences under the principal regulations and make related amendments. The main effect of these changes is that no offence under the arms embargo or asset freeze provisions is committed unless the person knows that what they are doing is connected with the Central African Republic. Previously, a person could be guilty even if they were unaware of their act's link with the Central African Republic.

*Regulations 7 to 11* make minor amendments that are consequential on the amendment made by *regulation 5(1)*.

Issued under the authority of the Legislation Act 2019.

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