



**UNITED NATIONS SANCTIONS (ANGOLA) AMENDMENT
REGULATIONS 1997**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 24th day of November 1997

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) By and with the advice and consent of the Executive Council; and
- (b) For the purpose of giving effect to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 28 August 1997, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of UNITA the measures set out in paragraph 4 of that resolution,—

makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the United Nations Sanctions (Angola) Amendment Regulations 1997, and are part of the United Nations Sanctions (Angola) Regulations 1993* (“the principal regulations”).

(2) These regulations come into force on 28 November 1997.

2. Interpretation—Regulation 2 of the principal regulations is amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Angolan aircraft’ means any aircraft registered or located in Angola:

“‘UNITA’ means the Angolan organisation known by its full name as *União Nacional para a Independência Total de Angola*.”

3. Exportation of arms, petroleum, and aircraft to Angola prohibited—Regulation 3 of the principal regulations is amended by revoking paragraph (c), and substituting the following paragraphs:

“(c) Petroleum or petroleum products; or

“(d) Aircraft and components for aircraft—”.

4. Prohibited transactions in relation to imports into Angola—Regulation 8 of the principal regulations is amended by inserting, after the expression “transfer;”, the expression “lease;”.

5. New heading and regulations inserted—The principal regulations are amended by inserting, after regulation 8, the following heading and regulations:

“Prohibition on Flights and Transactions Related to Aviation

8A. Flights to or from Angola not permitted—Except with the consent of the Minister of Foreign Affairs and Trade, no person may permit or authorise any aircraft—

“(a) To take off from any place in New Zealand if that person has reason to suspect that the aircraft will land in Angola; or

“(b) To land in New Zealand if that person has reason to suspect that the aircraft commenced its journey in Angola or landed in Angola during the course of its journey; or

“(c) To fly over New Zealand or any part of New Zealand if that person has reason to suspect that the aircraft will land in Angola or that the aircraft commenced its journey in Angola or landed in Angola during the course of its journey.

8B. Prohibition of services related to aviation—(1) Except with the consent of the Minister of Foreign Affairs and Trade, no person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may—

“(a) Provide or cause to be provided, or enter into or renew, arrangements for any engineering or maintenance servicing of Angolan aircraft or components for Angolan aircraft; or

“(b) Give or cause to be given any certification of air-worthiness in respect of any Angolan aircraft; or

“(c) Provide or cause to be provided direct insurance, or renewal of direct insurance, for Angolan aircraft; or

“(d) Make payment, or cause payment to be made, of any claim made on or after 28 November 1997 under a contract entered into before that date for the direct insurance of Angolan aircraft.”

6. New headings and regulations inserted—The principal regulations are amended by inserting, after regulation 10, the following headings and regulations:

“Entry of Angolan Citizens

“10A. Citizens of Angola to enter New Zealand only with consent of Minister—(1) Subject to subclause (3), no person who is a citizen of Angola may, without the prior consent of the Minister of Foreign Affairs and Trade, enter New Zealand or transit through New Zealand.

“(2) The Minister of Foreign Affairs and Trade may withhold his or her consent under subclause (1) only for the purpose of giving effect to decisions of the Security Council, made under Article 41 of the Charter of the United Nations, that require the Government of New Zealand to prevent the entry into or transit through New Zealand of certain citizens or classes of citizens of Angola.

“(3) Subclause (1) does not apply to a person who is a New Zealand citizen.

“(4) Subclause (1) operates in addition to the requirements of the Immigration Act 1987 and of any regulations under that Act.”

“Prohibition of UNITA Offices

“10B. UNITA offices not to be established or maintained—No person may, in New Zealand, establish or maintain an office for or on behalf of UNITA or for the purpose of promoting the interests of UNITA.”

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 28 November 1997, amend the United Nations Sanctions (Angola) Regulations 1993 to give effect to paragraph 4 of the resolution of the Security Council of the United Nations, adopted on 28 August 1997, imposing sanctions on UNITA, which is a militarised political grouping in control of large areas of Angola.

Paragraph 4 of the resolution of 28 August 1997 requires member States—

- To prevent the entry into or transit through their territories of designated senior officials of UNITA and of adult members of their immediate families:
- To close all UNITA offices in their territories:
- To take certain measures for the purpose of prohibiting flights of aircraft by or for UNITA, the supply of aircraft and aircraft components to UNITA, as well as the supply of engineering, maintenance, and insurance services related to UNITA aircraft. The measures required to be taken are—
 - (i) To deny landing, take off, or overflight permission to any aircraft that comes from, or is to fly to, a place in Angola. Places in Angola that are notified by the Government of Angola in accordance with specified procedures are not subject to this prohibition:
 - (ii) To prohibit the supply of aircraft or aircraft components to the territory of Angola other than through points of entry in Angola that are specified by the Government of Angola in accordance with specified procedures:
 - (iii) To prohibit the supply of engineering, maintenance, and insurance services (including the denial of claims under current policies) and to prohibit certification of airworthiness in respect of aircraft registered in Angola other than those specified by the Government of Angola in accordance with specified procedures. These measures also have to be taken in respect of aircraft which have entered Angola other than through a place notified by the Government of Angola in accordance with specified procedures.

Regulation 3 amends regulation 3 of the principal regulations, which prohibits, except with the consent of the Minister of Foreign Affairs and Trade, the exportation from New Zealand of arms, related *matériel*, and petroleum or petroleum products. *Regulation 3* adds aircraft and aircraft components to that list of prohibited exports.

Regulation 5 inserts *new regulations 8A* and *8B* which prohibit flights to or from Angola, and the provision of those aviation services specified by the Security Council resolution of 28 August 1997. The Minister of Foreign Affairs and Trade is authorised to grant exemptions from these general prohibitions. Consistent with New Zealand's obligations under the United Nations Charter, the Minister will exempt those aircraft exempted under the resolution of 28 August 1997.

Regulation 6 inserts *new regulations 10A* and *10B*. *New regulation 10A* provides that citizens of Angola cannot enter or pass through New Zealand without the prior consent of the Minister of Foreign Affairs and Trade. The Minister can only withhold his or her consent for the purpose of implementing decisions of the Security Council made under Article 41 of the Charter.

New regulation 10B prohibits the maintenance and establishment of UNITA offices in New Zealand.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 27 November 1997.

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