



**UNITED NATIONS SANCTIONS (SIERRA LEONE)
REGULATIONS 1997**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd 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 8 October 1997, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Sierra Leone the measures set out in paragraphs 5 and 6 of that resolution,—
makes the following regulations.
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the United Nations Sanctions (Sierra Leone) Regulations 1997.

(2) These regulations come into force on 7 November 1997.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Customs” or “the Customs”, and “Customs officer” have the same meaning as in section 2 (1) of the Customs and Excise Act 1996:

“Minister” means the Minister of Foreign Affairs and Trade:

“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.

Prohibited Exports

3. Exportation of arms and related matériel, petroleum, and petroleum products to Sierra Leone prohibited—(1) No person may directly or indirectly export from New Zealand to Sierra Leone—

(a) Arms and related *matériel* of all types, including weapons, ammunition, military vehicles, and military or paramilitary equipment; or

(b) Spare parts for any of the goods specified in paragraph (a); or

(c) Petroleum or petroleum products.

(2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister consents to the exportation of those goods.

4. Application of Customs and Excise Act 1996 to prohibited exports—The provisions of the Customs and Excise Act 1996 with respect to prohibited exports (except section 209) extend and apply with respect to goods whose exportation is prohibited by regulation 3, in all respects as if the exportation of the goods were prohibited under section 56 of that Act.

5. Detention of prohibited exports—A Customs officer may detain goods that the Customs officer has reason to suspect are being exported in contravention of regulation 3.

6. Prohibited exports not to be loaded onto ships or aircraft—If a master of a ship or a pilot in command of an aircraft knows that goods are intended to be exported in contravention of regulation 3, the master or the pilot must not permit those goods to be loaded onto the ship or aircraft.

7. Power to withhold clearance of ship or aircraft—If a Customs officer knows that there are on board a ship or aircraft goods intended to be exported in contravention of regulation 3, the Customs may withhold the clearance of the ship or aircraft while the goods remain on board.

Prohibited Transactions in Relation to Imports

8. Prohibited transactions in relation to imports into Sierra Leone—(1) No person in New Zealand and no person who is a New Zealand citizen outside New Zealand may enter into or be concerned in any sale, transfer, carriage, or delivery of, or other dealing with, any of the goods specified in regulation 3 if the person knows that—

- (a) They are intended to be imported into Sierra Leone; or
- (b) They are intended to be supplied or delivered to a person in Sierra Leone; or
- (c) They are intended to be supplied or delivered in accordance with the directions of a person in Sierra Leone.

(2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister consents to the sale, transfer, carriage, or delivery of, or other dealing with, those goods.

Prohibition on Carriage of Prohibited Goods

9. Prohibition on carriage of arms and related matériel, petroleum, and petroleum products to Sierra Leone—(1) This regulation applies to—

- (a) New Zealand ships;
- (b) New Zealand aircraft;
- (c) Any other ship or aircraft that is, for the time being, chartered to any person who is a New Zealand citizen or a body incorporated or constituted under the law of New Zealand.

(2) No ship or aircraft to which this regulation applies may be used for the carriage of any of the goods specified in regulation 3, if the carriage is, or forms part of, carriage from any place outside Sierra Leone to any destination in Sierra Leone.

(3) Nothing in this regulation applies to any carriage of goods in respect of which the consent of the Minister has been given under regulation 3 (2) or regulation 8 (2).

(4) Nothing in this regulation limits the generality of regulations 3 to 8.

10. Duty of owner, charterer, master, or pilot in command—

(1) An owner of a New Zealand ship and a master of a New Zealand ship must each ensure that the ship is not used in contravention of regulation 9.

(2) An owner of a New Zealand aircraft and a pilot in command of a New Zealand aircraft must each ensure that the aircraft is not used in contravention of regulation 9.

(3) A charterer of a ship or aircraft to which regulation 9 (1) (c) applies must ensure that the ship or the aircraft is not used in contravention of regulation 9.

(4) A New Zealand citizen who is the master of a ship to which paragraph (c) of regulation 9 (1) applies or the pilot in command of an aircraft to which that paragraph applies must ensure that the ship or the aircraft is not used in contravention of regulation 9.

(5) In this regulation, the terms owner and charterer, in relation to a ship, include any person acting as the agent of the owner or the agent of the charterer.

Entry of Citizens of Sierra Leone

11. Citizens of Sierra Leone to enter New Zealand only with consent of Minister—(1) Subject to subclause (3), no person who is a citizen of Sierra Leone may, without the prior consent of the Minister, enter New Zealand or transit through New Zealand.

(2) The Minister 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 Sierra Leone.

(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.

Miscellaneous Provisions

12. Offences—(1) 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 provision of these regulations.

(2) It is a defence to a prosecution for failing to comply with a duty imposed by regulation 10 if the defendant proves that the defendant did not know and had no reason to suppose that the carriage of goods was, or formed part of, carriage from any place outside Sierra Leone to any destination in Sierra Leone.

13. Consent of Attorney-General to proceedings in certain cases—(1) No prosecution for an offence against these regulations alleged to have been committed outside New Zealand may proceed without the leave of the Attorney-General.

(2) Subclause (1) does not prevent a person alleged to have committed an offence of the kind referred to in that subclause from being arrested (with or without a warrant) or from being remanded in custody or on bail, even though the leave of the Attorney-General under that subclause has not been given; but no further steps may be taken until that leave has been obtained.

14. Customs and Excise Act 1996 not affected—These regulations do not limit or affect the operation of the Customs and Excise Act 1996.

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 7 November 1997, are made for the purpose of giving effect to paragraphs 5 and 6 of the resolution of the Security Council of the United Nations, adopted on 8 October 1997, imposing sanctions on Sierra Leone.

Paragraph 6 of the resolution of 8 October 1997 requires States to prevent the sale or supply to Sierra Leone of arms and related *matériel* of all types, including weapons and ammunition, military vehicles, military or paramilitary equipment, and spare parts for any of those goods. It also prevents the sale or supply of petroleum and petroleum products. Under paragraph 7 a Committee established by the Security Council may authorise the importation into Sierra Leone of petroleum and petroleum products for verified humanitarian purposes or to promote the restoration of democracy in Sierra Leone.

The ban on arms and petrol sales and supply to Sierra Leone is implemented by *regulations 3-10*. These regulations—

- (a) Prohibit the exportation from New Zealand to Sierra Leone of—
 - (i) Arms and related *matériel* of all types; and
 - (ii) Petroleum and petroleum products;
- (b) Prohibit a person who is in New Zealand or a New Zealand citizen outside New Zealand from entering into or being concerned with any transaction involving the sale, transfer, carriage, or delivery of, or other dealing with, any of the prohibited goods if that person knows that the goods are destined for Sierra Leone;
- (c) Prohibit the carriage of any of the prohibited goods on any New Zealand ship, New Zealand aircraft, or a ship or aircraft chartered by a New Zealand citizen or a body incorporated or constituted under the law of New Zealand if the carriage is, or forms part of, carriage from any place outside Sierra Leone to any destination in Sierra Leone.

Paragraph 5 of the resolution of 8 October 1997 requires all States to prevent the entry into or transit through their territories of members of the military junta and adult members of the families of junta members designated by a Committee established by the Security Council under the resolution of 8 October 1997. That Committee may waive those entry and transit restrictions for humanitarian purposes or in order to restore democracy in Sierra Leone.

Regulation 11 provides that citizens of Sierra Leone 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 of the United Nations (which are binding on New Zealand).

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

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