

1992/42



**THE UNITED NATIONS SANCTIONS (SOMALIA)
REGULATIONS 1992**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of March 1992

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the United Nations Act 1946, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and 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 the 23rd day of January 1992, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Somalia the measures set out in paragraph 5 of that resolution, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the United Nations Sanctions (Somalia) Regulations 1992.

(2) These regulations shall come into force on the 20th day of March 1992.

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

“The Customs Acts” and “Collector” have the same meanings as in the Customs Act 1966:

“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 weapons and military equipment to Somalia prohibited—Except with the consent of the Minister of External Relations and Trade, the exportation from New Zealand to Somalia, whether directly or indirectly, of weapons and military equipment is hereby prohibited.

4. Application of Customs Acts to prohibited exports—All the provisions of the Customs Acts with respect to prohibited exports (except subsection (6A) of section 70 of the Customs Act 1966) shall extend and apply with respect to goods whose exportation is prohibited by regulation 3 of these regulations, in all respects as if the exportation of the goods were prohibited under section 70 of the Customs Act 1966.

5. Detention of prohibited exports—If a Collector has reason to suspect that any goods being exported are goods whose exportation is prohibited by regulation 3 of these regulations, that Collector may detain the goods.

6. Loading of prohibited exports onto ships or aircraft prohibited—The master of a ship or the pilot in command of an aircraft shall not permit to be laden in the ship or aircraft any goods whose exportation is prohibited by regulation 3 of these regulations, knowing that the goods are intended to be exported in contravention of that regulation.

7. Power to withhold clearance of ship or aircraft—A Collector may withhold the clearance of any ship or aircraft so long as there are on board

the ship or aircraft any goods known to that Collector to be goods whose exportation is prohibited by regulation 3 of these regulations.

Prohibited Transactions in Relation to Imports of Weapons or Military Equipment

8. Prohibited transactions in relation to imports of weapons or military equipment into Somalia—Except with the consent of the Minister of External Relations and Trade, no person shall in New Zealand, and no New Zealand citizen shall in any place outside New Zealand, enter into or be concerned in any sale, transfer, carriage, or delivery of or other dealing with any weapons or military equipment, knowing that—

- (a) They are intended to be imported into Somalia; or
- (b) They are to be supplied or delivered to or to the order of any person in Somalia.

Prohibition on Carriage of Weapons or Military Equipment

9. Prohibition on carriage of weapons or military equipment to Somalia—(1) This regulation applies to—

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

(2) Without prejudice to the generality of the foregoing provisions of these regulations, no ship or aircraft to which this regulation applies shall be used for the carriage of any weapons or military equipment if the carriage is, or forms part of, carriage from any place outside Somalia to any destination in Somalia.

(3) Nothing in this regulation shall apply to any carriage of weapons or military equipment in respect of which the consent of the Minister of External Relations and Trade has been given under any other provision of these regulations.

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

(1) If any ship or aircraft is used in contravention of regulation 9 of these regulations, then,—

- (a) In the case of a New Zealand ship or aircraft, the owner and the master of the ship or, as the case may be, the owner and the pilot in command of the aircraft; or
- (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, such master or pilot in command—

shall each be guilty of an offence against these regulations, unless he or she proves that he or she did not know and had no reason to suppose that the carriage of goods was, or formed part of, carriage from any place outside Somalia to any destination in Somalia.

(2) In this regulation, the terms “owner” and “charterer”, in relation to a ship, include any person acting as the agent of the owner or, as the case may be, the agent of the charterer.

Miscellaneous Provisions

11. Offences—Every person commits an offence against these regulations and shall be 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 the provisions of these regulations.

12. Consent of Attorney-General to proceedings in certain cases—Proceedings for the trial and punishment of any person who is charged with having committed outside New Zealand any offence against these regulations shall not be instituted in any Court except with the consent of the Attorney-General and on his or her certificate that it is expedient that the proceedings be instituted.

13. Customs Acts not affected—Nothing in these regulations shall limit or affect the operation of the Customs Acts.

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 20 March 1992, are made for the purpose of giving effect to paragraph 5 of the resolution of the Security Council of the United Nations, adopted on 23 January 1992, concerning the imposition of a general and complete embargo on all deliveries of weapons and military equipment to Somalia. These regulations—

- (a) Prohibit the exportation from New Zealand to Somalia of any weapons or military equipment;
- (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 weapons or military equipment if that person knows that the goods are destined for Somalia;
- (c) Prohibit the carriage of any weapons or military equipment 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 Somalia to any destination in Somalia.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered in the Ministry of External Relations and Trade.