



**UNITED NATIONS SANCTIONS (AFGHANISTAN)  
REGULATIONS 1999**

MICHAEL HARDIE BOYS, Governor-General

**ORDER IN COUNCIL**

At Wellington this 22nd day of November 1999

Present:

THE RIGHT HON WYATT CREECH 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 a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 15 October 1999, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of the Taliban the measures set out in paragraph 4 of that resolution,—
- makes the following regulations.

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- 3. Taliban aircraft not to land in, or take-off from, New Zealand

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the United Nations Sanctions (Afghanistan) Regulations 1999.

(2) These regulations come into force on the day after the date of their notification in the *Gazette*.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“Money” includes—

(a) The bank notes and other currency and money orders of New Zealand or any other country; and

(b) Promissory notes and bills of exchange; and

(c) Any credit in an account with any person:

“New Zealand” includes Tokelau:

“Security”—

(a) Includes a share, stock, bond, debenture, debenture stock, mortgage, lien, treasury bill, coupon or warrant representing dividends or interest, and a life or endowment insurance policy, in whatever currency the security is expressed; and

(b) Also includes any document or means by which the right to the ownership or provision of any money or security, or any interest in money or a security, may be exercised; but

(c) Does not include a promissory note or bill of exchange:

“The Taliban” means the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan:

“Taliban aircraft” means an aircraft that, in accordance with 1 or more resolutions of the Security Council, is for the time being designated as being owned, leased, or operated by or on behalf of the Taliban:

“Taliban undertaking” means any person or association that, in accordance with 1 or more resolutions of the Security Council, is for the time being designated as being owned or controlled by the Taliban.

(2) A reference in these regulations to the transfer of a security includes a reference to a transfer of the security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.

### *Taliban Flights*

**3. Taliban aircraft not to land in, or take-off from, New Zealand**— Except with the consent of the Minister of Foreign Affairs and Trade, no person may permit or authorise a Taliban aircraft—

(a) To land in a place in New Zealand; or

(b) To take-off from a place in New Zealand.

### *Taliban Funds*

**4. Prohibition on dealings in assets, money, or securities held by, or derived from property of, Taliban**—(1) Except with the consent of the Minister of Finance, no person may knowingly transfer, pay for, sell, assign, dispose of, or otherwise deal with any asset, money, or security—

(a) That is either—

(i) Owned or controlled, whether directly or indirectly, by the Taliban or a Taliban undertaking; or

(ii) Derived or generated from any asset, money, or security of the kind specified in subparagraph (i); and

(b) That is located in New Zealand.

(2) It is a defence to a prosecution under this regulation in respect of any asset, money, or security derived or generated from any asset, money, or security of the kind specified in subclause (1) (a) (i) if the defendant proves that he or she received the asset, money, or security in good faith, at a time when he or she did not know that it was derived or generated from any asset, money, or security of that kind.

**5. Prohibition on sending funds to Taliban**—Except with the consent of the Minister of Finance, no person may in New Zealand, and no New Zealand citizen may in any place outside New Zealand, knowingly send, transfer, or deliver, or knowingly cause to be sent, transferred, or delivered, whether directly or indirectly, any money or security—

(a) To the Taliban or a Taliban undertaking; or

(b) For the benefit of the Taliban or a Taliban undertaking.

*Provisions Relating to Offences*

**6. 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 the provisions of these regulations.

**7. Consent of Attorney-General to proceedings in certain cases**—In any case where it is alleged that an offence against these regulations was committed outside New Zealand, a prosecution for that 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.

MARIE SHROFF,  
Clerk of the Executive Council.

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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 the day after the date of their notification in the *Gazette*, give effect to certain measures specified in the resolution of the Security Council of the United Nations, adopted on 15 October 1999, that imposed sanctions on the Taliban (a militarised political grouping in control of large areas of Afghanistan) for non-compliance with previous Security Council resolutions and violations of international law. The resolution of 15 October 1999 requires member States—

- (a) To deny landing and take-off rights to aircraft designated, under the resolution, as being owned, leased, or operated by or on behalf of the Taliban:
- (b) To freeze funds and other financial resources owned or controlled by the Taliban or by undertakings designated, under the resolution, as owned or controlled by the Taliban. The freeze extends to funds derived or generated from such funds:
- (c) To ensure that the Taliban and Taliban undertakings are denied the benefit of the funds and resources referred to in paragraph (b) or any other funds or resources designated under the resolution.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 25 November 1999.  
These regulations are administered in the Ministry of Foreign Affairs and Trade.