

Reprint
as at 5 April 2018



United Nations Sanctions (Côte d'Ivoire) Regulations 2005

(SR 2005/339)

United Nations Sanctions (Côte d'Ivoire) Regulations 2005: revoked, on 5 April 2018, by clause 3 of the United Nations Sanctions (Côte d'Ivoire) Regulations Revocation Order 2018 (LI 2018/30).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 12th day of December 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 2 of the United Nations Act 1946, Her 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 resolution 1572 (2004) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 15 November 2004, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Côte d'Ivoire the measures set out in that resolution,—

makes the following regulations.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

Contents

	Page
1 Title	3
2 Commencement	3
3 Interpretation	3
<i>Exportation of arms</i>	
4 Exportation of arms to Côte d'Ivoire prohibited	4
5 Customs and Excise Act 1996 to apply to prohibited exports	5
6 Detention of prohibited exports	5
7 Prohibited exports not to be loaded onto ships or aircraft	6
8 Power to withhold clearance of ship or aircraft	6
<i>Dealings with arms</i>	
9 Transactions with persons in Côte d'Ivoire in relation to arms prohibited	6
<i>Carriage of arms</i>	
10 Carriage of arms to Côte d'Ivoire prohibited	6
11 Liability of owner, charterer, master, or pilot in command	7
<i>Provision of assistance, advice, or training relating to military activities</i>	
12 Provision to Côte d'Ivoire of assistance, advice, or training relating to military activities prohibited	7
<i>Prohibition on importing of diamonds from Côte d'Ivoire</i>	
12A Importation of diamonds from Côte d'Ivoire prohibited	8
12B Application of Customs and Excise Act 1996 to prohibited imports	8
12C Detention of, and payment for, prohibited diamonds	8
<i>Entry of designated persons</i>	
13 Designated persons to enter New Zealand only if consistent with determinations of Security Council	9
<i>Funds of or for designated persons or specified entities</i>	
14 Prohibition on dealings in assets, money, or securities of, or derived from property of, designated persons, etc	9
15 Prohibition on sending funds to designated persons, etc	10
<i>Miscellaneous provisions</i>	
16 Offences	10
17 Attorney-General's consent and certificate in certain cases	10
18 Customs and Excise Act 1996 not affected	10

Regulations

1 Title

These regulations are the United Nations Sanctions (Côte d'Ivoire) Regulations 2005.

2 Commencement

These regulations come into force on 12 January 2006.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

arms includes—

- (a) related materiel of all types (for example, weapons, ammunition, military aircraft, vehicles, and equipment, and paramilitary equipment); and
- (b) spare parts for any arms, or for any goods specified in paragraph (a)

committee means the committee established under paragraph 14 of resolution 1572 of the Security Council of the United Nations

Customs or **the Customs** and **Customs officer** have the same meaning as in section 2(1) of the Customs and Excise Act 1996

designated means designated under paragraph 9 or 11, and by the committee established by paragraph 14, of the resolution

designated agent means a person designated as a person acting on behalf, or at the direction, of a designated person

designated person, in relation to measures set out in the resolution, and provided for in these regulations, means a person designated as a person to whom the measures apply

Minister means the Minister of Foreign Affairs

money includes—

- (a) the banknotes 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

New Zealand aircraft means an 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

resolution means resolution 1572 (2004) of the Security Council of the United Nations

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

specified entity means an entity owned or controlled, directly or indirectly, by a designated agent

UNOCI means the United Nations Operation in Côte d'Ivoire.

- (2) A reference in these regulations to the transfer of a security includes a reference to a transfer of a security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.
- (3) The Minister may publish, in any manner the Minister thinks fit (for example, by notice in the *Gazette*, or publication on the Internet, or both),—
 - (a) a list of the names of any persons designated as designated agents or designated persons; and
 - (b) a list of the names, descriptions, and other identifying details, of any specified entities; and
 - (c) any additions to, or deletions from, the lists referred to in paragraphs (a) and (b).

Regulation 3(1) **committee**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389).

Regulation 3(1) **UNOCI**: added, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389).

*Exportation of arms***4 Exportation of arms to Côte d'Ivoire prohibited**

- (1) No person may directly or indirectly export arms from New Zealand to Côte d'Ivoire.
- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister has consented to that exportation of those goods.
- (3) Subclause (1) does not apply to—
 - (a) arms, related materiel, and technical assistance intended solely for the support of, or use by,—
 - (i) UNOCI; or
 - (ii) the French forces acting in support of UNOCI; or

- (b) non-lethal military equipment and related technical assistance—
 - (i) that is intended solely for self-protection or humanitarian aid; and
 - (ii) the supply of which has been approved in advance by the committee; or
- (c) protective clothing (including flak jackets and military helmets) temporarily exported to Côte d'Ivoire by the following persons for their own personal use in that country:
 - (i) United Nations personnel;
 - (ii) representatives of the media, humanitarian and development workers, and associated personnel; or
- (d) arms, related materiel, and technical assistance temporarily exported to Côte d'Ivoire to the armed forces of any State taking action in that country if—
 - (i) that action is taken, in accordance with international law, solely and directly to facilitate the evacuation of that State's citizens and those other persons for whom that State has consular responsibility in Côte d'Ivoire; and
 - (ii) the supply of those arms, that related materiel, or that technical assistance, as the case may be, is approved in advance by the committee; or
- (e) arms, related materiel, and technical assistance—
 - (i) that is intended solely for the support of, or use in, the process of restructuring defence and security forces in Côte d'Ivoire; and
 - (ii) the supply of which has been approved in advance by the committee.

Compare: SR 2004/465 r 4

Regulation 4(3): added, on 20 November 2008, by regulation 5 of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389).

5 Customs and Excise Act 1996 to apply to prohibited exports

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

Compare: SR 2004/465 r 5

6 Detention of prohibited exports

A Customs officer may detain any goods he or she suspects on reasonable grounds to be goods whose exportation is prohibited by regulation 4.

Compare: SR 2004/465 r 6

7 Prohibited exports not to be loaded onto ships or aircraft

The master of a ship or the pilot in command of an aircraft must not permit to be laden in the ship or aircraft any goods whose exportation is prohibited by regulation 4, knowing that the goods are intended to be exported in contravention of that regulation.

Compare: SR 2004/465 r 7

8 Power to withhold clearance of ship or aircraft

The Customs may withhold the clearance of any ship or aircraft so long as there are on board the ship or aircraft any goods any Customs officer knows to be goods whose exportation is prohibited by regulation 4.

Compare: SR 2004/465 r 8

*Dealings with arms***9 Transactions with persons in Côte d'Ivoire in relation to arms prohibited**

(1) No person in New Zealand, and no New Zealand citizen in any place 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 4, knowing that those goods—

- (a) are intended to be imported by a person within Côte d'Ivoire; or
- (b) are to be supplied or delivered to, or to the order of, a person within Côte d'Ivoire.

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

Compare: SR 2004/465 r 9

*Carriage of arms***10 Carriage of arms to Côte d'Ivoire prohibited**

(1) No ship or aircraft may be used for the carriage of any of the goods specified in regulation 4 if the carriage is, or forms part of, the carriage of those goods from any place to Côte d'Ivoire.

(2) Subclause (1) does not apply if the Minister has consented to that carriage of goods under regulation 4(2) or 9(2).

(3) In subclause (1), **ship or aircraft** means—

- (a) any New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3(1)); or
- (b) any other ship or aircraft that is, for the time being, chartered to any New Zealand citizen, or to any body incorporated or constituted under the law of New Zealand.

- (4) Subclause (1) does not limit any of regulations 4 to 9.

Compare: SR 2004/465 r 10

11 Liability of owner, charterer, master, or pilot in command

- (1) If any ship or aircraft is used in contravention of regulation 10, each of the following persons is guilty of an offence against these regulations:
- (a) in the case of a New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3(1)), the owner and the master of the ship or, as the case requires, the owner and the pilot in command of the aircraft;
 - (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, the master or pilot in command.
- (2) 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 suppose—
- (a) that the goods carried on the ship or aircraft were or included arms; or
 - (b) that the carriage of the arms was, or formed part of, the carriage of goods from any place to Côte d'Ivoire.
- (3) In this regulation, **owner** and **charterer**, in relation to a ship, include any person acting as the agent of the owner or, as the case requires, the agent of the charterer.

Compare: SR 2004/465 r 11

Provision of assistance, advice, or training relating to military activities

12 Provision to Côte d'Ivoire of assistance, advice, or training relating to military activities prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may provide to, or at the request of, any person within Côte d'Ivoire, any assistance, advice, or training related to military activities.
- (2) The assistance, advice, or training referred to in subclause (1) includes, without limitation, any technical assistance or training relating to the provision, manufacture, maintenance, or use of arms.
- (3) Subclause (1) does not apply if the Minister has consented to the provision of the assistance, advice, or training.

Compare: SR 2004/465 r 12

Prohibition on importing of diamonds from Côte d'Ivoire

Heading: inserted, on 20 November 2008, by regulation 6 of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389).

12A Importation of diamonds from Côte d'Ivoire prohibited

- (1) Except with the consent of the Minister, the importation from Côte d'Ivoire into New Zealand, whether directly or indirectly, of diamonds is prohibited.
- (2) For the purposes of subclause (1), it does not matter whether or not the diamonds originated in Côte d'Ivoire.
- (3) Subclause (1) does not apply to any diamonds that were imported from Côte d'Ivoire on the date on which this regulation comes into force or at any time before that day.
- (4) The chief executive of the Customs may determine any dispute as to the date of exportation of diamonds from Côte d'Ivoire.

Regulation 12A: inserted, on 20 November 2008, by regulation 6 of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389).

12B Application of Customs and Excise Act 1996 to prohibited imports

The provisions of the Customs and Excise Act 1996 with respect to prohibited imports (except section 209) apply to diamonds whose importation is prohibited by regulation 12A in all respects as if the importation of the diamonds was prohibited by section 54 of the Customs and Excise Act 1996.

Regulation 12B: inserted, on 20 November 2008, by regulation 6 of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389).

12C Detention of, and payment for, prohibited diamonds

- (1) A reference in this regulation to prohibited diamonds is a reference to diamonds whose importation is prohibited by regulation 12A.
- (2) A Customs officer may detain any diamonds imported into New Zealand that he or she suspects on reasonable grounds to be prohibited diamonds.
- (3) An importer of prohibited diamonds for which payment has not been made must pay the purchase price of the diamonds into a trust bank account (the **trust account**) operated under Part 7 of the Public Finance Act 1989 by the Customs.
- (4) All money in the trust account must be dealt with as the Minister of Finance directs.
- (5) Money paid into the trust account is not money deposited for the purposes of section 229 of the Customs and Excise Act 1996.
- (6) The chief executive of the Customs may determine any dispute as to the purchase price of any prohibited diamonds or as to the date of payment for the diamonds.

Regulation 12C: inserted, on 20 November 2008, by regulation 6 of the United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389).

Entry of designated persons

13 Designated persons to enter New Zealand only if consistent with determinations of Security Council

- (1) No designated person may enter New Zealand, or transit through New Zealand, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.
- (2) Subclause (1) does not apply to a designated person who is a New Zealand citizen.
- (3) A visa may be granted under the Immigration Act 2009 to a designated person only on the advice of the Secretary of Foreign Affairs and Trade that the visa is consistent with subclause (1).
- (4) This regulation operates in addition to the requirements of the Immigration Act 2009 and of any regulations made under that Act.

Compare: SR 2001/134 r 16

Regulation 13(3): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Regulation 13(4): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Funds of or for designated persons or specified entities

14 Prohibition on dealings in assets, money, or securities of, or derived from property of, designated persons, etc

- (1) No person may knowingly transfer, pay for, sell, assign, dispose of, or otherwise deal with any asset, money, or security—
 - (a) that is—
 - (i) owned or controlled, directly or indirectly, by a designated person; or
 - (ii) held by a specified entity; or
 - (iii) derived or generated from any asset, money, or security of the kind specified in subparagraph (i) or (ii); and
 - (b) that is located in New Zealand.
- (2) Subclause (1) does not apply if the Minister has consented to that transfer, sale, assignment, or disposal of, payment for, or other dealing with, the asset, money, or security.
- (3) 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) or (ii) (a **restricted item**) 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 a restricted item or derived or generated from a restricted item.

Compare: SR 2001/134 r 16A

15 Prohibition on sending funds to designated persons, etc

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may knowingly send, transfer, or deliver, or knowingly cause to be sent, transferred or delivered, whether directly or indirectly, any money or security—
 - (a) to a designated person or specified entity; or
 - (b) for the benefit of a designated person or specified entity.
- (2) Subclause (1) does not apply if the Minister has consented to that sending, transfer, or delivery of the money or security.

Compare: SR 2001/134 r 16B

Miscellaneous provisions

16 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.

Compare: SR 2004/465 r 14

17 Attorney-General's consent and certificate in certain cases

If an offence against these regulations is alleged to have been committed outside New Zealand, a prosecution for the 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.

Compare: SR 2004/465 r 15

18 Customs and Excise Act 1996 not affected

These regulations do not affect the operation of the Customs and Excise Act 1996.

Compare: SR 2004/465 r 16

Diane Morcom,
Clerk of the Executive Council.

Reprinted as at
5 April 2018

**United Nations Sanctions (Côte d'Ivoire) Regulations
2005**

r 18

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 15 December 2005.

Reprints notes

1 *General*

This is a reprint of the United Nations Sanctions (Côte d'Ivoire) Regulations 2005 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

United Nations Sanctions (Côte d'Ivoire) Regulations Revocation Order 2018 (LI 2018/30): clause 3
Immigration Act 2009 (2009 No 51): section 406(2)
United Nations Sanctions (Côte d'Ivoire) Amendment Regulations 2008 (SR 2008/389)