Marine Notice 10/2010
Supersedes 21/2008

SANCTIONS
Côte d'Ivoire, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Iran, Iraq, Lebanon, Liberia, Sierra

The purpose of this Marine Notice is to inform the owners, operators, masters and other users of all Australian ships of their obligations under regulations made pursuant to the Charter of the *United Nations Act 1945* ('the Act').

As a United Nations ('UN') Member State, Australia is obliged by UN Security Council ('UNSC') decisions to take measures to prevent the supply, sale or transfer using Australian flag vessels of sanctioned goods to, and the procurement of sanctioned goods from, countries, individuals and entities subject to these sanctions.

Australia implements these restrictions on Australian flag vessels through regulations made under the Act, namely in relation to Côte d'Ivoire, the Democratic People's Republic of Korea ('DPRK'), the Democratic Republic of the Congo ('DRC'), Eritrea, Iran, Iraq, Lebanon, Liberia, Sierra Leone, Somalia, Sudan, as well as to individuals and entities specifically named by the UNSC as being associated with Al-Qaida the Taliban, and conflicts involving Eritrea and Somalia.

All ships registered in Australia under the *Shipping Registration Act 1981* ('Australian ships') are covered by these regulations, which provide that a person (which includes a body corporate), whether or not in Australia, and whether or not an Australian citizen, commits a criminal offence if that person uses the services of an Australian ship to transport 'export sanctioned goods' or 'import sanctioned goods' (see table on page 2), the supply or procurement of which has not been authorised in accordance with the regulations.

These prohibitions are UN sanction enforcement laws under the Act. If an individual breaches a UN sanction enforcement law, he or she can be imprisoned for up to 10 years or receive a fine up to the greater of three times the value of the transaction or $275,000. For bodies corporate, breaches of UN sanction enforcement laws are offences of strict liability, resulting in a fine of up to the greater of either three times the value of the transaction or $1.1 million.

Further information on the scope of UNSC sanctions in relation to Australian ships can be found at: www.dfat.gov.au/un/unsc_sanctions/index.html

Links to the Act and the Regulations that implement UN sanctions are provided at Attachment A.

For further information contact:
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File No: 2007/72

This document is explanatory only, does not have the force of law and does not in any way constitute legal advice. This document does not supplement or modify regulations made under the Charter of the United Nations Act 1945. *The Australian Government recommends strongly those seeking to trade overseas consider the relevance of UNSC sanctions and, if need be, obtain independent legal advice.*

Destination	Export sanctioned goods	Import sanctioned goods
Al-Qaida and the Taliban (wherever located)	arms and related materiel to a person or entity listed by the UNSC	Nil
Côte d'Ivoire	arms and related materiel	rough diamonds
DPRK	(a) arms and related materiel; (b) Nuclear Supplier Group Goods; (c) Missile Technology Control regime (MTCR) Goods; (d) Australia Group Goods; (e) Luxury goods	(a) arms and related materiel; (b) Nuclear Supplier Group Goods; (c) Missile Technology Control regime (MTCR) Goods; (d) Australia Group Goods
DRC	arms and related materiel	Nil
Eritrea	(a) arms and related materiel to Eritrea (b) weapons and military equipment to a person or entity listed by the UNSC (no listings as yet)	Nil
Iran	(a) Nuclear Supplier Group Goods (b) Missile Technology Control regime Goods (c) Goods on Australia's Iran Export Sanctioned Goods List	(a) Nuclear Supplier Group Goods (b) Missile Technology Control regime Goods (c) arms and related materiel
Iraq	(a) arms and related materiel (b) Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed since August 1990; (c) items with respect to which reasonable suspicion exists that they have been illegally removed	(a) Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed since the adoption of resolution 661 (1990) of 6 August 1990; and (b) items with respect to which reasonable suspicion exists that they have been illegally removed
Lebanon	(a) arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment; and (b) spare parts for the aforementioned	Nil
Liberia	arms and related materiel	Nil
Sierra Leone	arms and related matériel	Nil
Somalia	weapons and military equipment to (a) Somalia (b) a person or entity listed by the UNSC (no listings as yet)	Nil
Sudan	arms and related materiel	Nil

Attachment A

Links to the Act and the Regulations the Implement UN Sanctions

Charter of the United Nations Act 1945
http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/D1AC9CB30DA619EDCA257412001254D0/$file/CharteroftheUnitedNations1945_WD02.pdf

Charter of the United Nations (Sanctions – Afghanistan) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/600E1AFC5C534496CA25742700240012/$file/0800808H080401EV.pdf

Charter of the United Nations (Sanctions – Côte d'Ivoire) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/7B8B57DA0F721609CA2574280016FF8A/$file/0800808J080401EV.pdf

Charter of the United Nations (Sanctions–Democratic People's Republic of Korea) Regulations 2008
http://www.comlaw.gov.au/ComLaw/legislation/legislativeinstrumentcompilation1.nsf/0/1A2A284C97189272CA25742B0020FA17/$file/CharterUNSanctDemPeopRepKoreaRegs2008.pdf

Charter of the United Nations (Sanctions – Democratic Republic of Congo) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/7E72BD32B0F8BD30CA2574270022892E/$file/0800808P080402EV.pdf

Charter of the United Nations (Sanctions – Iran) Regulations 2008
http://www.comlaw.gov.au/ComLaw/legislation/legislativeinstrumentcompilation1.nsf/0/39E877E01157D7F7CA25746D0083B0EE/$file/CharterUNSanctIran2008.pdf

Charter of the United Nations (Sanctions – Iraq) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/D9D7E66D7868CB9ECA257428001C0914/$file/0800808C080401EV.pdf

Charter of the United Nations (Sanctions – Lebanon) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/852184D4614C5295CA2574280006FA46/$file/0800808L080401EV.pdf

Charter of the United Nations (Sanctions – Liberia) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/C3EA030EC21CF347CA25742800089FE7/$file/0800808E080401EV.pdf

Charter of the United Nations (Sanctions – Sierra Leone) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/46B614744EC5D152CA257428000B3062/$file/0800808N080401EV.pdf

Charter of the United Nations (Sanctions – Somalia) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/BDFA6D6C914F280DCA25742E00191A39/$file/0800808D080401EV.pdf

Charter of the United Nations (Sanctions – Sudan) Regulations 2008
http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/6D113F7D65C3021FCA2574280022715 9/$file/0800808O080401EV.pdf