

MARINE NOTICE

Marine Notice 21/2008
Supersedes 8/2007 and 23/2006

SANCTIONS

Côte d'Ivoire, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Iran, Iraq, Lebanon, Liberia, Sierra Leone, Somalia, Sudan, Al-Qaida and the Taliban

The purpose of this Maritime 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'), Iran, Iraq, Lebanon, Liberia, Sierra Leone, Somalia, Sudan and to Al-Qaida, the Taliban, Usama bin Laden and associated individuals or entities designated by the UNSC.

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' in the course of, or for the purpose of, making a sanctioned supply that has not been authorised by the Minister for Foreign Affairs. In relation to the DPRK and Iran, the restrictions also apply to procurements of 'import sanctioned goods'.

'Export sanctioned goods' means, in relation to Iran, goods on the Nuclear Supplier's Group List (UN document S/2006/814), the Missile Technology Control Regime List (UN document S/2006/815) and the *Charter of the United Nations (Sanctions - Iran) (Export Sanctioned Goods) List Determination 2008*.

In relation to the DPRK, 'export sanctioned goods' include battle tanks, armoured combat vehicles and combat aircraft, goods on the Nuclear Supplier's Group List (UN document S/2006/814), goods on the Missile Technology Control Regime List (UN document S/2006/815) and UN document S/2006/853, and goods on the *Charter of the United Nations (Sanctions – Democratic People's Republic of Korea) Luxury Goods List 2006*.

In relation to Al-Qaida and the Taliban, Côte d'Ivoire, DRC, Iraq, Lebanon, Liberia, Sierra Leone and the Sudan, 'export sanctioned goods' are arms and related

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materiel. In relation to Somalia, 'export sanctioned goods' are weapons and military equipment.

In relation to the DPRK, 'import sanctioned goods' include battle tanks, armoured combat vehicles and combat aircraft and goods on the Nuclear Supplier's Group List (UN document S/2006/814), the Missile Technology Control Regime List (UN document S/2006/815) and the UN document S/2006/853.

In relation to Iran, 'import sanctioned goods' are arms and related materiel and goods on the Nuclear Supplier's Group List (UN document S/2006/814) and the Missile Technology Control Regime List (UN document S/2006/815).

These restrictions on Australian ships 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. In the case of transactions the value of which could not be determined by a court, fines of up to an amount equal to 2,500 penalty units for individuals and 10,000 penalty units for bodies corporate apply.

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 included in Attachment A.

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Internet address for all current Marine Notices:
www.amsa.gov.au

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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](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](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](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](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](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](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](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](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](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](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](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/0/6D113F7D65C3021FCA25742800227159/\\$file/0800808O080401EV.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/6D113F7D65C3021FCA25742800227159/$file/0800808O080401EV.pdf)