



## United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 11th day of March 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 2(1) of the United Nations Act 1946—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to the following resolutions of the Security Council of the United Nations adopted under the United Nations Charter:
  - resolution 1988 (2011), adopted on 17 June 2011:
  - resolution 1989 (2011), adopted on 17 June 2011:
  - resolution 2253 (2015), adopted on 17 December 2015:
  - resolution 2255 (2015), adopted on 21 December 2015.

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## Regulations

### 1 Title

These regulations are the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019.

### 2 Commencement

These regulations come into force on 11 April 2019.

### 3 Principal regulations

These regulations amend the regulations that were previously called the United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 (the **principal regulations**).

### 4 Enacting statement amended

In the enacting statement, replace paragraph (b) with:

- (b) for the purpose of giving effect (in part) to the following resolutions of the Security Council of the United Nations adopted under the United Nations Charter:
- (i) resolution 1267 (1999), adopted on 15 October 1999:
  - (ii) resolution 1333 (2000), adopted on 19 December 2000:
  - (iii) resolution 1390 (2002), adopted on 16 January 2002:
  - (iv) resolution 1988 (2011), adopted on 17 June 2011:
  - (v) resolution 1989 (2011), adopted on 17 June 2011:
  - (vi) resolution 2253 (2015), adopted on 17 December 2015:
  - (vii) resolution 2255 (2015), adopted on 21 December 2015,—

**5 Title of principal regulations changed**

In regulation 1, replace “United Nations Sanctions (Al-Qaida and Taliban)” with “United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban)”.

**6 Regulation 3 amended (Interpretation)**

- (1) In regulation 3(1), insert in their appropriate alphabetical order:

**1988 Committee** means the committee established under paragraph 30 of resolution 1988 (2011) of the Security Council, adopted under the United Nations Charter on 17 June 2011

**ISIL (Da'esh)** means the splinter group of Al-Qaida known as the Islamic State in Iraq and the Levant (ISIL), also known as the Islamic State in Iraq and al Sham (ISIS), and also known as Da'esh

**ISIL (Da'esh) and Al-Qaida sanctions committee** means the committee established under paragraph 6 of resolution 1267 (1999) of the Security Council, adopted under the United Nations Charter on 15 October 1999

**ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions** means resolutions of the Security Council relating to ISIL (Da'esh), Al-Qaida, or the Taliban

- (2) In regulation 3(1), revoke the definition of **Al-Qaida and the Taliban Sanctions Resolutions**.
- (3) In regulation 3(1), replace the definition of **Al-Qaida entity** with:

**Al-Qaida entity**, for a measure that is set out or referred to in 1 or more ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions, and that is provided for in these regulations, means—

- (a) Al-Qaida; or
- (b) ISIL (Da'esh); or
- (c) an entity that is not Al-Qaida or ISIL (Da'esh) but is designated by or under those resolutions as an entity—
  - (i) that is associated with Al-Qaida or ISIL (Da'esh); and
  - (ii) to which that measure is to be applied

- (4) In regulation 3(1), definition of **specified entity**, revoke paragraph (a).
- (5) In regulation 3(1), definition of **Taliban entity**,—
- (a) replace “Al-Qaida and the Taliban Sanctions Resolutions” with “ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions”; and
  - (b) replace “Usama bin Laden, an Al-Qaida entity,” with “an Al-Qaida entity”.
- (6) In regulation 3(2)(a), replace “Al-Qaida and the Taliban Sanctions Resolutions” with “ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions”.

**7 New regulation 3A inserted (Transitional, savings, and related provisions)**

After regulation 3, insert:

**3A Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

**8 Cross-heading above regulation 12 amended**

In the cross-heading above regulation 12, replace “*technical assistance or training relating to arms*” with “*technical advice, assistance, or training relating to military activities*”.

**9 Regulation 12 amended (Provision to area controlled by specified entity of technical assistance or training relating to arms prohibited)**

- (1) In the heading to regulation 12, replace “**technical assistance or training relating to arms**” with “**technical advice, assistance, or training relating to military activities**”.
- (2) In regulation 12(1), replace “technical assistance or training relating to the provision, manufacture, maintenance, or use of any arms” with “technical advice, assistance, or training relating to military activities”.
- (3) In regulation 12(2), replace “assistance or training” with “advice, assistance, or training”.

**10 Regulation 13 amended (Entry of certain persons into New Zealand)**

- (1) After regulation 13(1), insert:
  - (1A) Subclause (1) does not apply so as to prevent a person from entering or transiting through New Zealand if—
    - (a) the entry or transit is necessary for the fulfilment of a judicial process; or
    - (b) the 1988 Committee or the ISIL (Da'esh) and Al-Qaida sanctions committee has determined on a case-by-case basis that the entry or transit is justified.
  - (1B) Subclause (1) does not apply to a specified entity who is a New Zealand citizen.
- (2) In regulation 13(2), replace “subclause (1)” with “subclauses (1) to (1B)”.

**11 New Schedule 1 inserted**

Insert the Schedule 1 set out in the Schedule of these regulations as the first schedule to appear after the last regulation of the principal regulations.

## Schedule

### New Schedule 1 inserted

r 11

### Schedule 1

#### Transitional, savings, and related provisions

r 3A

#### Part 1

#### Provision relating to United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019

##### 1 References to previous Title

Every reference in any enactment and in any document to the United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 must, unless the context otherwise provides, be read as a reference to the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Regulations 2007.

Michael Webster,  
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 amend and rename the United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 (the **principal regulations**). These regulations come into force on 11 April 2019.

These regulations give effect (in part) to the following United Nations Security Council resolutions:

- 1988 (2011), adopted under the United Nations Charter on 17 June 2011 (**resolution 1988**):
- 1989 (2011), adopted under the United Nations Charter on 17 June 2011 (**resolution 1989**):
- 2253 (2015), adopted under the United Nations Charter on 17 December 2015 (**resolution 2253**):
- 2255 (2015), adopted under the United Nations Charter on 21 December 2015 (**resolution 2255**).

Resolution 2253 extended the sanctions set out in the earlier resolutions to the Al-Qaida splinter group known as the Islamic State in Iraq and the Levant (**ISIL (Da'esh)**). *Regulation 5* amends the title of the principal regulations, and *regulation 6* amends various definitions in the principal regulations to reflect the fact that the sanctions now apply to ISIL (Da'esh).

Resolution 2253 and resolution 2255 amended the sanction prohibiting New Zealanders from providing technical advice, assistance, or training related to military activities. *Regulation 9* amends regulation 12 of the principal regulations to reflect this change.

Resolution 1988 and resolution 1989 created an exception to the travel ban sanction, allowing entry into New Zealand or transit through New Zealand when entry or transit is necessary for the fulfilment of a judicial process or where the committee responsible for the administration of the relevant resolutions determines that entry or transit is justified. *Regulation 10* amends regulation 13 of the principal regulations to provide for that exception.

Resolution 1988 and resolution 1989 also provided that the travel ban sanction did not oblige a State to deny entry or require departure of any of its nationals. *Regulation 10* amends regulation 13 of the principal regulations to provide for that exception.

Issued under the authority of the Legislation Act 2012.

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