

**Legislative Council**  
**Subcommittee to Examine the Implementation**  
**in Hong Kong of Resolutions of the United Nations**  
**Security Council in relation to Sanctions**

**UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2005**

**INTRODUCTION**

A At the meeting of the Executive Council on 7 June 2005, the Council advised and the Acting Chief Executive ordered that the United Nations Sanctions (Liberia) Regulation 2005 (“the 2005 Regulation”) (at Annex A) should be made under section 3 of the United Nations Sanctions Ordinance (“the Ordinance”) (Cap. 537). The 2005 Regulation was gazetted on 10 June 2005 and came into effect on the same day.

**BACKGROUND**

**Obligation and Authority**

B 2. Under section 3(1) of the Ordinance, the Chief Executive (“CE”) is required to make regulations to give effect to an instruction of the Ministry of Foreign Affairs (“MFA”) of the People’s Republic of China to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In July 2004 and January 2005, the CE received specific instructions from MFA which respectively requested the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement United Nations Security Council Resolutions (“UNSCRs”) 1532 and 1579. The 2005 Regulation was made in pursuance of those instructions. A copy of the document issued by the Acting Chief Secretary for Administration confirming MFA’s instructions is at Annex B.

## **Sanctions against Liberia**

3. Since March 2001, the UNSC has adopted a number of resolutions which imposed sanctions against Liberia in view of its active support to armed rebel groups in neighbouring countries and its provision of assistance to the trading of illicit diamonds which in turn constituted a threat to international peace and security in the region. Such resolutions include -

- (a) UNSCR 1343 which imposed prohibitions on the sale or supply of arms and related material to Liberia, the provision of military training or assistance to Liberia, the importation of all rough diamonds from Liberia, and the entry or transit of senior members of the then Government of Liberia, its armed forces and other related persons into or through Member States. This was implemented in the HKSAR by the United Nations Sanctions (Liberia) Regulation. The Regulation expired on 6 May 2002, in line with UNSCR 1343;
- (b) UNSCR 1408 which extended the sanctions imposed under UNSCR 1343 for a period of 12 months, but with an exemption in respect of the import of rough diamonds controlled by the Government of Liberia whose origin had been verified by a Certificate of Origin regime satisfactory to the United Nations. This was implemented in the HKSAR by the United Nations Sanctions (Liberia) Regulation 2002. The Regulation expired on 6 May 2003, in line with UNSCR 1408;
- (c) UNSCR 1478 which extended the sanctions imposed under UNSCR 1343 for a further period of 12 months and imposed prohibitions against the import of all round logs and timber products originating in Liberia, as well as prohibitions against the entry into or transit through Member States of persons who sold arms or provided related training or assistance to Liberia and other related persons. This was implemented in the HKSAR by the United Nations

Sanctions (Liberia) Regulation 2003. The Regulation ceased to have effect after 6 May 2004, in line with UNSCR 1478; and

- (d) UNSCR 1521 which imposed prohibitions on the sale or supply of arms and related material to Liberia, the provision of technical training or assistance to Liberia, the import of all rough diamonds from Liberia, the import of all round logs and timber products originating in Liberia, and the entry into or transit through the territories of all States of certain persons and individuals, as designated by the Committee established under UNSCR 1521 (“the Committee”), who constituted a threat to the peace process in Liberia or who were engaged in activities aimed at undermining peace and stability in Liberia and the subregion. This was implemented in the HKSAR by the United Nations Sanctions (Liberia) Regulation 2004. The Regulation expired on 21 December 2004, in line with UNSCR 1521.

### **UNSCR 1579**

4. In January 2005, we received an instruction from the MFA to implement UNSCR 1579 in the HKSAR. A copy of the Resolution is at Annex C. UNSCR 1579 was adopted on 21 December 2004 by the UNSC which decided, inter alia, -

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- (a) to renew the measures on arms and travel imposed by paragraphs 2 and 4 of UNSCR 1521 for a further period of 12 months from the date of adoption of UNSCR 1579;
- (b) to renew the measures on timber imposed by paragraph 10 of UNSCR 1521 for a further period of 12 months from the date of adoption of UNSCR 1579; and
- (c) to renew the measures on diamonds imposed by paragraph 6 of UNSCR 1521 for a further period of 6 months from the date of adoption of UNSCR 1579.

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5. In other words, the following measures decided under UNSCR 1521 (copy at Annex D) are renewed for a further period of 12 months until 20 December 2005 -

- (a) all States shall take necessary measures to prevent the sale or supply of arms and related material to Liberia by their nationals or from their territories or using their flag vessels or aircraft. All States shall also take necessary measures to prevent any provision of technical training or assistance related to the provision, manufacture, maintenance or use of arms and related material to Liberia. The above measures are subject to certain exceptions (paragraph 2 of UNSCR 1521);
- (b) all States shall, subject to certain exceptions, take necessary measures to prevent the entry into or transit through their territories of certain persons and individuals, as designated by the Committee, including those who constitute a threat to the peace process in Liberia or who are engaged in activities aimed at undermining peace and stability in Liberia and the subregion (paragraph 4 of UNSCR 1521); and
- (c) all States shall take necessary measures to prevent the import into their territories of all round logs and timber products originating in Liberia (paragraph 10 of UNSCR 1521), and

the following measure decided under UNSCR 1521 is renewed for a further period of 6 months until 20 June 2005 -

- (d) all States shall take necessary measures to prevent the import of all rough diamonds from Liberia to their territory (paragraph 6 of UNSCR 1521).

### **UNSCR 1532**

6. In July 2004, we received an instruction from the MFA to implement UNSCR 1532 in the HKSAR. A copy of the Resolution is

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at Annex E. UNSCR 1532 was adopted on 12 March 2004 by the UNSC which decided, inter alia, that all States in which there are funds, other financial assets and economic resources owned or controlled directly or indirectly by certain individuals including the former Liberian President Charles Taylor and those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources, and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons. The above measures are subject to certain exceptions.

7. Since the former Liberian President Charles Taylor had left Liberia and UNSCR 1532 did not point to him actually engaging in activities which were connected to Liberia, we initially had some doubts whether the measures in UNSCR 1532 could be implemented under the Ordinance. With the adoption of UNSCR 1579 by the UNSC, however, the position has become clear. The seventh paragraph of the preamble to UNSCR 1579 states that “the former President Charles Taylor and others still closely associated with him continue to engage in activities that undermine peace and stability in Liberia and the region”. This statement constitutes a sufficient connection of Charles Taylor’s activities with Liberia and thus UNSCR 1532 can now be implemented under the Ordinance.

## **THE 2005 REGULATION**

8. The 2005 Regulation, at Annex A, implements sanctions decided under UNSCR 1521 (as renewed by UNSCR 1579) and sanctions decided under UNSCR 1532. The main provisions are –

- (a) section 1 which provides for the expiry of different sections of the Regulation;
- (b) sections 3 to 6 which provide for prohibition against supply,

delivery and carriage of arms and related material to Liberia;

- (c) section 7 which provides for prohibition against provision to persons connected with Liberia of technical assistance or training related to the supply, delivery, manufacture, maintenance or use of arms and related material;
- (d) sections 8 and 9 which provide for prohibition against making available funds or other financial assets or economic resources to or for the benefit of a relevant person specified by the CE in accordance with section 39 (“relevant person”) or a relevant entity specified by the CE in accordance with section 39 (“relevant entity”);
- (e) section 10 which provides for prohibition against importation of rough diamonds from Liberia;
- (f) section 11 which provides for prohibition against importation of round logs and timber products originating in Liberia;
- (g) sections 12 and 13 which provide for prohibition against entry into or transit through HKSAR by certain specified persons;
- (h) sections 14 to 16 which provide for the granting of a licence for the supply, delivery or carriage of arms and related material, the provision of the aforesaid technical assistance or training, or making available funds, etc. to a relevant person or a relevant entity, where the exceptions provided for in UNSCR 1521 (as renewed by UNSCR 1579) and UNSCR 1532 are satisfied;
- (i) sections 19 to 30 which provide for the enforcement powers; and
- (j) section 39 which provides that the CE may by notice published in the Gazette specify a person or an entity referred to in the list maintained by the Committee for the

purposes of paragraph 1 of UNSCR 1532 as a relevant person or a relevant entity.

9. The provisions of the 2005 Regulation that implement measures imposed under UNSCR 1521, as renewed by UNSCR 1579, are modelled on the United Nations Sanctions (Liberia) Regulation 2004.

10. The provisions of the 2005 Regulation that implement measures imposed under UNSCR 1532 are modelled on the United Nations Sanctions (Afghanistan) Regulation which implements, inter alia, similar measures. The approach is to make it an offence to make funds or other financial assets or economic resources available to a relevant person or a relevant entity unless a licence has been granted. In doing so, we would have effectively implemented the requirement to freeze the funds etc. of relevant persons or entities.

## **IMPLICATIONS OF THE 2005 REGULATION**

11. The 2005 Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the Ordinance. It has no financial, civil service, productivity, environmental or sustainability implications.

12. The prohibition against the importation of rough diamonds, round logs and timber products from Liberia will have some implications on Hong Kong. However as the quantity involved is very small against the overall imports of such items into Hong Kong, and alternative sources of supply are available, the economic implications of the prohibition should be minimal. The prohibition against making available funds etc. to relevant persons or entities would not have any economic implications.

## **PUBLICITY**

13. A press release was issued on 10 June when the 2005 Regulation was published in the Gazette.

## **RELATED MATTER**

14. Between receipt of MFA's instruction in January 2005 and the making of the 2005 Regulation in June 2005, some of the sanctions imposed under UNSCR 1579 were implemented through existing law as follows:

- (a) in respect of prohibition against sale or supply of arms and related material (paragraph 5(a) above), Regulation 2 of the Import and Export (Strategic Commodities) Regulations (Cap. 60G) provides that no one shall import or export an article specified in Schedule 1 to the Regulations except under and in accordance with an import or export licence issued by the Director-General of Trade and Industry. The Trade and Industry Department maintains import and export control on strategic commodities, including munition items, chemical and biological weapons and their precursors, nuclear materials and equipment, and dual-use goods that are capable to be developed into weapons of mass destruction;
- (b) in respect of prohibition against entry into Hong Kong (paragraph 5(b) above), section 7 of the Immigration Ordinance (Cap. 115) provides that a person may not land in Hong Kong without the permission of an immigration officer or immigration assistant unless he enjoys the right of abode or has the right to land in Hong Kong, and section 4 of Cap. 115 provides that an immigration officer or immigration assistant may examine any person on his arrival or landing in or prior to his departure from Hong Kong; and
- (c) in respect of prohibition against importation of rough diamonds (paragraph 5(d) above), section 6C(1) of the Import and Export Ordinance (Cap. 60) and First Schedule to the Import and Export (General) Regulations (Cap. 60A) provide that a licence under section 3 of Cap. 60 is required

for importing rough diamonds into Hong Kong. Further, Regulation 6DE of Cap. 60A stipulates that no person shall, whether as agent or otherwise, import rough diamonds from, or export rough diamonds to, a country or place other than a specified country or place. In this regard, Liberia is not on the list of specified countries or places under Schedule 7 to Cap. 60A.

15. Prior to the making of the 2005 Regulation, the sanctions imposed under UNSCR 1532 could not be implemented through existing law.

### **ADVICE SOUGHT**

16. Members are invited to note the implementation of UNSCRs 1579 and 1532 by the 2005 Regulation.

**Commerce, Industry and Technology Bureau**  
**June 2005**