

**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
(CÔTE D’IVOIRE) REGULATION 2010**

INTRODUCTION

A At the meeting of the Executive Council on 27 April 2010, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Côte d’Ivoire) Regulation 2010 (“the Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”) to give effect to the instruction from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”). The Regulation was gazetted on 30 April 2010 and came into effect on the same day.

BACKGROUND

Obligation and Authority

B & C 2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to an instruction by the MFA to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In November 2009, the CE received an instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement sanctions against Côte d’Ivoire in HKSAR pursuant to UNSC Resolution (“UNSCR”) 1893. The Regulation was made pursuant to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction, and copy of UNSCR 1893, are at Annexes B and C respectively.

Sanctions against Côte d’Ivoire

3. In view of Côte d’Ivoire continuing human rights violations against its civilians which threaten the peace process in the region, the

UNSC had passed a number of resolutions since 2004 to implement a range of sanctions against Côte d'Ivoire. These sanctions concern -

- D
- (a) prohibition against the direct or indirect supply, sale or transfer of arms and related materiel to Côte d'Ivoire, as well as the provision of assistance, advice or training related to military activities (*paragraphs 7 and 8 of UNSCR 1572, at Annex D, refer*);
 - (b) prohibition against entry into or transit through the territories of the Member States by persons designated by the Committee established by paragraph 14 of UNSCR 1572 ("the Committee")(*paragraphs 9 and 10 of UNSCR 1572 refer*);
 - (c) freezing of funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons designated by the Committee, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and prohibition against making available to, or for the benefit of, such persons or entities any funds, financial assets or economic resources (*paragraphs 11 and 12 of UNSCR 1572 refer*); and
 - (d) prohibition against importation of rough diamonds from Côte d'Ivoire (*paragraph 6 of UNSCR 1643, at Annex E, refers*).
- E

4. In October 2008, the UNSC passed UNSCR 1842 to renew the above-mentioned sanctions against Côte d'Ivoire until 31 October 2009. On the instruction of the MFA, we enacted the United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2008 (Cap. 537 sub. leg. AK) to implement the sanctions in the HKSAR. Cap. 537AK expired at midnight on 31 October 2009.

UNSCR 1893

5. On 29 October 2009, the UNSC adopted UNSCR 1893, at Annex C, which stipulated, inter alia –

- (a) to renew until 31 October 2010 the measures on arms and financial and travel measures imposed by paragraphs 7 to 12 of UNSCR 1572 and the measures preventing the importation of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of UNSCR 1643 (*paragraph 1 of UNSCR 1893 refers*);
- (b) that the measures imposed by paragraph 6 of UNSCR 1643 shall not apply to an import that will be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process ^{Note}, and approved on a case by case basis by the Committee (*paragraph 16 of UNSCR 1893 refers*); and
- (c) that a request made in accordance with paragraph 16 of UNSCR 1893 shall be submitted to the Committee jointly by the Kimberley Process and the importing Member State, and decides further that where the Committee has approved an exemption pursuant to paragraph 17 of UNSCR 1893, the importing Member State shall notify the Committee of the results of the study and share the results, without delay, with the Group of Experts on Côte d'Ivoire to assist them in their investigations (*paragraph 17 of UNSCR 1893 refers*).

THE REGULATION

6. The Regulation, at Annex A, seeks to implement the sanctions against Côte d'Ivoire that are renewed and slightly modified by UNSCR 1893. The main provisions of the Regulation include -

^{Note} The Kimberley Process (KP) is an international certification scheme that regulates trade in rough diamonds. It aims to prevent the flow of conflict diamonds, while helping to protect legitimate trade in rough diamonds. China is one of the 49 participants of the KP. Trade and Industry Department maintains a register of registered rough diamond dealers and all import of rough diamonds into Hong Kong must be supported by a KP certificate issued by the exporting authority.

- (a) sections 2 and 3, which prohibit the supply, sale, transfer and carriage of arms or related materiel to Côte d'Ivoire;
- (b) section 4, which prohibits the provision of advice, assistance or training related to military activities to certain persons;
- (c) section 5, which prohibits the importation of rough diamonds from Côte d'Ivoire;
- (d) section 6, which provides for prohibition against making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (e) section 7, which prohibits the entry into or transit through the HKSAR by certain persons;
- (f) sections 9 to 12, which provide for the granting of licences for the supply, sale, transfer or carriage of prohibited goods; for the provision of assistance or training to certain persons; for the importation of rough diamonds from Côte d'Ivoire for the purpose of scientific research and analysis approved by the Committee; and for making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (g) section 32, which provides that the CE may by notice published in the Gazette specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purpose of financial sanctions under the Regulation; and
- (h) section 34, which provides that the Regulation will expire at midnight on 31 October 2010.

As the Regulation primarily renews the now expired sanctions under Cap. 537 AK, a mark-up version showing amendments to the

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Cap. 537AK is at Annex F for easy reference by Members.

IMPLICATIONS OF THE PROPOSAL

7. The proposal 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, economic, productivity, environmental or sustainability implications.

PUBLICITY

8. A press release was issued on 30 April 2010 when the Regulation was published in the Gazette.

INFORMATION ON CÔTE D'IVOIRE AND RELATION WITH HKSAR

9. A note summarising background information on Côte d'Ivoire and bilateral trade relation between Côte d'Ivoire and Hong Kong is at Annex G.

G

ADVICE SOUGHT

10. Members are invited to note the implementation of the UNSCR 1893 in HKSAR by the Regulation.

**Commerce and Economic Development Bureau
April 2010**

UNITED NATIONS SANCTIONS ORDINANCE (CAP. 537)

**UNITED NATIONS SANCTIONS (CÔTE D'IVOIRE)
REGULATION 2010**

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L.N. 46 of 2010

**UNITED NATIONS SANCTIONS (CÔTE D'IVOIRE)
REGULATION 2010**

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**UNITED NATIONS SANCTIONS (CÔTE D'IVOIRE)
REGULATION 2010**

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

PART 1

PRELIMINARY

1. Interpretation

In this Regulation—

“Accra III Agreement” (《阿克拉協定三》) means the agreement known as the Accra III Agreement, signed in Accra, Ghana, on 30 July 2004 by the President of the Republic of Côte d'Ivoire, the Prime Minister of the Government of National Reconciliation and all the political forces of Côte d'Ivoire;

“arms or related materiel” (軍火或相關的物資) includes military aircraft and equipment;

“authorized officer” (獲授權人員) means—

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

“Commissioner” (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

“Committee” (委員會) means the Committee of the Security Council established under paragraph 14 of Resolution 1572;

“economic resources” (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

“funds” (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

“licence” (特許) means a licence granted under section 9(1)(a) or (b), 10(1) or (2), 11(1) or 12(1);

“Linás—Marcoussis Agreement” (《利納——馬庫錫協定》) means the agreement known as the Linás—Marcoussis Agreement, signed by the Ivoirian political forces in Linás—Marcoussis on 24 January 2003 and approved by the Conference of Heads of States on Côte d’Ivoire held in Paris on 25 and 26 January 2003;

“master” (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

“operator” (營運人), in relation to a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

“Ouagadougou Political Agreement” (《瓦加杜古政治協議》) means the agreement signed in Ouagadougou, Burkina Faso on 4 March 2007 by the President of the Republic of Côte d’Ivoire, the Secretary-General of the Forces nouvelles of the Republic of Côte d’Ivoire and the President of Burkina Faso cum Chairman of the Economic Community of West African States as Facilitator;

“person connected with Côte d’Ivoire” (有關連人士) means—

- (a) the Government of Côte d’Ivoire;
- (b) any person in, or resident in, Côte d’Ivoire;
- (c) any body incorporated or constituted under the law of Côte d’Ivoire;
- (d) any body, wherever incorporated or constituted, which is controlled by—
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b); or
 - (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b); or
 - (iii) a body mentioned in paragraph (c) or (d);

- “pilot in command” (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;
- “prohibited goods” (禁制物品) means any arms or related materiel;
- “relevant entity” (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 32;
- “relevant person” (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 32;
- “Resolution 1572” (《第 1572 號決議》) means Resolution 1572 (2004) adopted by the Security Council on 15 November 2004;
- “Resolution 1893” (《第 1893 號決議》) means Resolution 1893 (2009) adopted by the Security Council on 29 October 2009;
- “Security Council” (安全理事會) means the Security Council of the United Nations;
- “UNOCI” (聯科行動) means the United Nations Operation in Côte d’Ivoire.

PART 2

PROHIBITIONS

2. Prohibition against supply, sale or transfer of certain goods

(1) This section applies to—

- (a) a person acting in the HKSAR; and
- (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section 9(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—

- (a) to Côte d’Ivoire;
- (b) to, or to the order of, a person connected with Côte d’Ivoire; or

- (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
 - (a) that the goods concerned were prohibited goods; or
 - (b) that the goods concerned were or were to be supplied, sold or transferred—
 - (i) to Côte d'Ivoire;
 - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

3. Prohibition against carriage of certain goods

- (1) This section applies to—
 - (a) a ship that is registered in the HKSAR;
 - (b) an aircraft that is registered in the HKSAR;
 - (c) any other ship or aircraft that is for the time being chartered to a person who is—
 - (i) in the HKSAR;
 - (ii) both a Hong Kong permanent resident and a Chinese national; or
 - (iii) a body incorporated or constituted under the law of the HKSAR; and
 - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 9(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
 - (a) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
 - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

- (3) Subsection (2) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 9(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
 - (b) in the case of any other ship—
 - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (c) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
 - (d) in the case of any other aircraft—
 - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (e) in the case of a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or
 - (b) that the carriage of the goods concerned was, or formed part of, a carriage—
 - (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
 - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

4. Prohibition against provision of certain advice, assistance or training

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) A person must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any advice related to military activities.
- (3) Except under the authority of a licence granted under section 10(1) or (2), a person must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any assistance or training related to military activities.
- (4) A person who contravenes subsection (2) or (3) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) that the advice, assistance or training concerned was or was to be provided to a person connected with Côte d'Ivoire; or
 - (b) that the advice, assistance or training concerned related to military activities.

5. Prohibition against importation of rough diamonds

(1) Except under the authority of a licence granted under section 11(1), a person must not import any rough diamond from Côte d'Ivoire into the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe that the rough diamond concerned was imported from Côte d'Ivoire into the HKSAR.

6. Prohibition against making available funds, etc. or dealing with funds, etc.

(1) This section applies to—

- (a) a person acting in the HKSAR; and
- (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section 12(1)—

- (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
- (b) a person (“first-mentioned person”) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.

(3) A person who contravenes subsection (2) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
 - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (6) In this section, “deal with” (處理) means—
- (a) in respect of funds—
 - (i) use, alter, move, allow access to or transfer;
 - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
 - (iii) make any other change that would enable use, including portfolio management; and
 - (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

7. Prohibition against entry or transit by certain persons

(1) Subject to section 8, a specified person must not enter or transit through the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

(3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.

(4) In this section—

“paragraph 7 of Resolution 1572” (《第 1572 號決議》第 7 段) means paragraph 7 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution 1893;

“paragraph 9 of Resolution 1572” (《第 1572 號決議》第 9 段) means paragraph 9 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution 1893;

“Resolution 1880” (《第 1880 號決議》) means Resolution 1880 (2009) adopted by the Security Council on 30 July 2009;

“Secretary-General” (秘書長) means the Secretary-General of the United Nations;

“specified person” (指明人士) means a person designated by the Committee, for the purposes of paragraph 9 of Resolution 1572, as a person who constitutes a threat to the peace and national reconciliation process in Côte d’Ivoire.

(5) For the purposes of the definition of “specified person” in subsection (4)—

- (a) any of the following constitutes a threat to the peace and national reconciliation process in Côte d’Ivoire—
 - (i) any serious obstacle to the freedom of movement of the UNOCI or the French forces which support the UNOCI;
 - (ii) any attack on or obstruction of the action of the UNOCI, the French forces or the Special Representative of the Secretary-General in Côte d’Ivoire;
 - (iii) any attack on or obstruction of the action of the Facilitator mentioned in paragraph 23 of Resolution 1880 or the Facilitator’s Special Representative in Côte d’Ivoire;
 - (iv) any threat to the electoral process in Côte d’Ivoire, in particular, any attack on or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement; and
- (b) without limiting paragraph (a), a person who constitutes a threat to the peace and national reconciliation process in Côte d’Ivoire includes—
 - (i) a person who blocks the implementation of the Linas—Marcoussis Agreement or Accra III Agreement;
 - (ii) a person who is responsible for serious violations of human rights or international humanitarian law in Côte d’Ivoire;
 - (iii) a person who incites publicly hatred and violence; and
 - (iv) a person who is determined by the Committee to be in violation of measures imposed by paragraph 7 of Resolution 1572.

8. Exceptions to prohibition against entry or transit by certain persons

Section 7 does not apply to a case in respect of which—

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (b) the Committee has determined that the relevant entry into or transit through the HKSAR would further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in Côte d'Ivoire and stability in the region.

PART 3

LICENCES

9. Licence for supply, sale, transfer or carriage of certain goods

(1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate—

- (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
 - (i) to Côte d'Ivoire;
 - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire; or
- (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
 - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

(2) The requirements referred to in subsection (1) are as follows—

- (a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
- (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
- (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Côte d'Ivoire by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
- (d) the prohibited goods are to be temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire;
- (e) the prohibited goods are intended solely for the support of or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas—Marcoussis Agreement, as approved in advance by the Committee.

(3) If the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

10. Licence for provision of certain assistance or training

(1) If satisfied on application that any of the requirements in subsection (3) is met, the Chief Executive must grant a licence to provide to a person connected with Côte d'Ivoire assistance related to military activities.

(2) If satisfied on application that any of the requirements in subsection (4) is met, the Chief Executive must grant a licence to provide to a person connected with Côte d'Ivoire training related to military activities.

(3) The requirements referred to in subsection (1) are as follows—

- (a) the assistance is technical assistance intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
- (b) the assistance is technical assistance related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;

- (c) the assistance is technical assistance intended solely for the support of or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas—Marcoussis Agreement, as approved in advance by the Committee.
- (4) The requirements referred to in subsection (2) are as follows—
 - (a) the training is technical training related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
 - (b) the training is technical training intended solely for the support of or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas—Marcoussis Agreement, as approved in advance by the Committee.

11. Licence for importation of rough diamonds

(1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to import rough diamonds from Côte d'Ivoire into the HKSAR.

(2) The requirement referred to in subsection (1) is that—

- (a) the proposed import is solely for the purpose of scientific research, and analysis in connection with the research, to facilitate the development of specific technical information concerning Ivorian diamond production; and
 - (b) the research is coordinated by the Kimberley Process and approved by the Committee.
- (3) If the requirement in subsection (2) is met, the Chief Executive—
- (a) must cause the parties by which a request is required to be submitted under paragraph 17 of Resolution 1893 to be notified of the application; and
 - (b) must not grant the licence unless the Committee has given its approval for the proposed import.

(4) In subsection (2)(b), “Kimberley Process” (金伯利進程) has the same meaning as in section 6DA of the Import and Export (General) Regulations (Cap. 60 sub. leg. A).

12. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities

(1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—

- (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (2) The requirements referred to in subsection (1) are as follows—
- (a) the funds or other financial assets or economic resources are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;
 - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
 - (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 15 November 2004 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment.
- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) must grant the licence in the absence of a negative decision by the Committee within 2 working days of the notification;

- (b) the requirement in subsection (2)(b) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the determination; and
 - (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

13. Provision of false information or documents for purpose of obtaining licences

(1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

PART 4

THINGS DONE OUTSIDE HKSAR

14. Licence or permission granted by authorities of places outside HKSAR

(1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.

(2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.

PART 5

ENFORCEMENT OF REGULATION

Division 1—Investigation, etc. of Suspected Ships

15. Investigation of suspected ships

(1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.

(2) If an authorized officer has reason to suspect that a ship to which section 3 applies is being or is about to be used in contravention of section 3(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of that section or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—

- (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;
- (b) request the charterer, operator or master of the ship to take any of the following steps—

- (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
- (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
- (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
- (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.

(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

16. Offences by charterer, operator or master of ship

(1) A charterer, operator or master of a ship who disobeys any direction given under section 15(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 15(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) A charterer, operator or master of a ship who, in response to a request made under section 15(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

17. Power of authorized officers to enter and detain ships

(1) Without limiting section 16, if an authorized officer has reason to suspect that a request that has been made under section 15(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or the ship concerned;
- (b) detain or authorize the detention of that ship or any of its cargo;
- (c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.

(3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 2—Investigation, etc. of Suspected Aircraft

18. Investigation of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.

(2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.

(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

19. Offences by charterer, operator or pilot in command of aircraft

(1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 18(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 18(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

20. Power of authorized officers to enter and detain aircraft

(1) Without limiting section 19, if an authorized officer has reason to suspect that a request that has been made under section 18(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or the aircraft concerned;
- (b) detain or authorize the detention of that aircraft or any of its cargo;
- (c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.

(3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 3—Investigation, etc. of Suspected Vehicles

21. Investigation of suspected vehicles

(1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2), the officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
- (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
- (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

(2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

22. Offences by operator or driver of vehicle

(1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 21(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) An operator or driver of a vehicle who, in response to a request made under section 21(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

23. Power of authorized officers to enter and detain vehicles

(1) Without limiting section 22, if an authorized officer has reason to suspect that a request that has been made under section 21(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
- (b) detain or authorize the detention of that vehicle or any article carried on it;
- (c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.

(3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 4—Proof of Identity

24. Production of proof of identity

Before or on exercising a power conferred by section 15, 17, 18, 20, 21 or 23, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

PART 6

EVIDENCE

25. Power of magistrate or judge to grant warrant

(1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—

- (a) an offence under this Regulation has been committed or is being committed; and
- (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.

(2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.

(3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—

- (a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
- (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
- (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.

(4) A person may only be searched under this section by a person who is of the same sex.

(5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

26. Detention of documents, cargoes or articles seized

(1) Subject to subsection (2), any document, cargo or article seized under section 25(3) may not be detained for more than 3 months.

(2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

PART 7**DISCLOSURE OF INFORMATION OR DOCUMENTS****27. Disclosure of information or documents**

(1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—

- (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
- (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
- (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or
 - (iii) the Government of any place outside the People's Republic of China,
for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to Côte d'Ivoire decided on by the Security Council; or
- (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

(2) For the purposes of subsection (1)(a)—

- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and

- (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.

PART 8

OTHER OFFENCES AND MISCELLANEOUS MATTERS

28. Liability of persons other than principal offenders

(1) If the person convicted of an offence under this Regulation is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, the director, manager, secretary or other similar officer is guilty of the like offence.

(2) If the person convicted of an offence under this Regulation is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm is guilty of the like offence.

29. Offences in relation to obstruction of authorized persons, etc.

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

30. Offences in relation to evasion of this Regulation

A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

31. Consent and time limit for proceedings

(1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.

(2) Summary proceedings for an offence under this Regulation that is alleged to have been committed outside the HKSAR may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after the alleged commission of the offence.

32. Specification of relevant person or relevant entity by Chief Executive

(1) The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 11 of Resolution 1572.

(2) In this section, “paragraph 11 of Resolution 1572” (《第1572號決議第11段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution 1893.

33. Exercise of powers of Chief Executive

(1) The Chief Executive may delegate any of the Chief Executive’s powers or functions under this Regulation to any person or class or description of person.

(2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.

(3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.

PART 9**DURATION****34. Duration**

This Regulation expires at midnight on 31 October 2010.

Henry TANG
Acting Chief Executive

27 April 2010

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 1893 (2009) as adopted by the Security Council of the United Nations on 29 October 2009 by providing for the prohibition against—

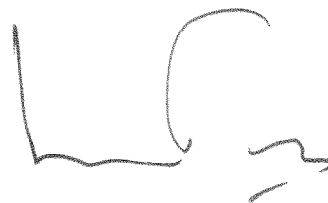
- (a) the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire;
- (b) the provision of advice, assistance or training related to military activities in certain circumstances;
- (c) importation of rough diamonds from Côte d'Ivoire;
- (d) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (e) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and
- (f) entry into or transit through the HKSAR by certain persons.

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Côte d'Ivoire) Regulation 2010

This is to confirm that the Chief Executive received specific instruction from the Ministry of Foreign Affairs of the People's Republic of China in November 2009 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 1893 of the Security Council of the United Nations, and that the United Nations Sanctions (Côte d'Ivoire) Regulation 2010 was made in pursuance of that instruction.

Dated this 28 day of April 2010

A handwritten signature in black ink, appearing to be 'Henry Tang', written in a cursive style.

(Henry Tang)
Chief Secretary for Administration

United Nations

S/RES/1893 (2009)

**Security Council**Distr.: General
29 October 2009

Resolution 1893 (2009)**Adopted by the Security Council at its 6209th meeting, on
29 October 2009***The Security Council,**Recalling* its previous resolutions and the statements of its President relating to the situation in Côte d'Ivoire, in particular resolutions 1842 (2008) and 1880 (2009),*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,*Taking note* of the report of the Secretary-General dated 29 September 2009 (S/2009/495) and of the reports of the United Nations Group of Experts on Côte d'Ivoire dated 8 April 2009 (S/2009/188) and 9 October 2009 (S/2009/521),*Emphasizing* the continued contribution to Côte d'Ivoire's stability, in particular in the context of the planned presidential elections, of the measures imposed by resolutions 1572 (2004) and 1643 (2005),*Noting again with concern*, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights and humanitarian law violations against civilians in different parts of the country, including numerous acts of sexual violence, *stressing* that the perpetrators must be brought to justice, *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and *recalling* its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security, its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflicts,*Determining* that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 31 October 2010 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005);



2. *Decides* to review the measures renewed in paragraph 1 above in light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, as referred to in resolution 1880 (2009), by the end of the period mentioned in paragraph 1, and *decides further* to carry out during the period mentioned in paragraph 1 above:

(a) A review of the measures renewed in paragraph 1 above no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards, with a view to possibly modifying the sanctions regime; or

(b) A midterm review no later than 30 April 2010 if no review has been scheduled on the basis of paragraph 2 (a) of this resolution at that date;

3. *Calls upon* the Ivorian parties to the Ouagadougou Political Agreement and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above, including as appropriate by taking the necessary rules and regulations and *calls also upon* the United Nations Operation in Côte d'Ivoire (UNOCI) to bring its full support in particular to the implementation of the measures on arms renewed in paragraph 1, within its capacities and mandate, as determined in resolution 1739 (2007) and renewed in resolution 1880 (2009) and *calls upon* further the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities;

4. *Reiterates* again its demand in particular that the Ivorian authorities take the necessary measures to put an immediate end to any violation of measures imposed by paragraph 11 of resolution 1572 (2004) including those violations mentioned by the Group of Experts in its reports dated 21 September 2007 (S/2007/611), 15 October 2008 (S/2008/598) and 9 October 2009 (S/2009/521);

5. *Demands* that the Ivorian parties to the Ouagadougou Political Agreement, in particular the Ivorian authorities, provide unhindered access particularly to the Group of Experts firstly established pursuant to paragraph 7 of resolution 1584 (2004), to equipment, sites and installations referred to in paragraph 2 (a) of resolution 1584 (2005), and to all weapons, ammunition and related materiel, regardless of location, when appropriate without notice and including those under the control of Republican Guard units, and *demands further* that they provide access under the same conditions to UNOCI in order to carry out its mandate and to the French forces which support it, as set out in its resolutions 1739 (2007) and 1880 (2009);

6. *Reiterates* that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

7. *Reiterates* that any serious obstacle to the freedom of movement of UNOCI or the French forces which support it, or any attack or obstruction of the action of UNOCI, the French forces, the Special Representative of the Secretary-General, the Facilitator mentioned in paragraph 23 of resolution 1880 (2009) or his Special Representative in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

8. *Requests* the Secretary-General and the French Government to report to it immediately, through the Committee, any serious obstacle to the freedom of movement of UNOCI or the French forces which support it, including the names of those responsible, and requests also the Secretary-General and the Facilitator to report to it immediately, through the Committee, any attack or obstruction of their action or the action of the Special Representatives mentioned in paragraph 7 above;

9. *Requests* all States concerned, in particular those in the subregion, to cooperate fully with the Committee, and *authorizes* the Committee to request whatever further information it may consider necessary;

10. *Decides* to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2010 and *requests* the Secretary-General to take the necessary administrative measures;

11. *Decides* that the report referred to in paragraph 7 (e) of resolution 1727 (2006) may include, as appropriate, any information and recommendations relevant to the Committee's possible additional designation of the individuals and entities described in paragraphs 9 and 11 of resolution 1572 (2004);

12. *Requests* the Group of Experts to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard and *requests further* the Group of Experts to include in its report specific information on persons who deny it access to weapons, ammunition and related materiel;

13. *Requests* the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

14. *Requests* also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

15. *Requests* also the Kimberley Process to communicate as appropriate to the Security Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d'Ivoire;

16. *Decides* that, the measures imposed by paragraph 6 of resolution 1643 (2005) shall not apply to an import that will be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process, and approved on a case by case basis by the Committee;

17. *Decides* that a request made in accordance with paragraph 16 shall be submitted to the Committee jointly by the Kimberley Process and the importing Member State, and *decides further* that where the Committee has approved an exemption pursuant to this paragraph, the importing Member State shall notify the

Committee of the results of the study and share the results, without delay, with the Group of Experts on Côte d'Ivoire to assist them in their investigations;

18. *Urges* all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 above;

19. *Urges* further in this context that all Ivorian parties and all States, particularly those in the region, ensure:

- the safety of the members of the Group of Experts;
- unhindered access by the Group of Experts, in particular to persons, documents and sites in order for the Group of Experts to execute its mandate;

20. *Underlines* that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

(a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;

(b) Attacking or obstructing the action of UNOCI, of the French forces which support it, of the Special Representative of the Secretary-General, of the Facilitator, of his Special Representative in Côte d'Ivoire;

(c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces which support it;

(d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;

(e) Inciting publicly hatred and violence;

(f) Acting in violation of the measures imposed by paragraph 7 of resolution 1572 (2004);

21. *Decides* to remain actively seized of the matter.

United Nations

S/RES/1572 (2004)

**Security Council**Distr.: General
15 November 2004

Resolution 1572 (2004)**Adopted by the Security Council at its 5078th meeting,
on 15 November 2004***The Security Council,*

Recalling its resolution 1528 (2004) of 27 February 2004, as well as the relevant statements of its President, in particular those of 6 November 2004 (S/PRST/2004/42) and of 5 August 2004 (S/PRST/2004/29),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by the Ivoirian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of States on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, and the Agreement signed in Accra on 30 July 2004 (Accra III Agreement),

Deploring the resumption of hostilities in Côte d'Ivoire and the repeated violations of the ceasefire agreement of 3 May 2003,

Deeply concerned by the humanitarian situation in Côte d'Ivoire, in particular in the northern part of the country, and by the use of the media, in particular radio and television broadcasts, to incite hatred and violence against foreigners in Côte d'Ivoire,

Recalling strongly the obligations of all Ivoirian parties, the Government of Côte d'Ivoire as well as the Forces Nouvelles, to refrain from any violence against civilians, including against foreign citizens, and to cooperate fully with the activities of the United Nations Operation in Côte d'Ivoire (UNOCI),

Welcoming the ongoing efforts of the Secretary-General, the African Union and the Economic Community of Western African States (ECOWAS) towards re-establishing peace and stability in Côte d'Ivoire,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

04-60737 (E)

* 0460737 *

1. *Condemns* the air strikes committed by the national armed forces of Côte d'Ivoire (FANCI) which constitute flagrant violations of the ceasefire agreement of 3 May 2003 and *demands* that all Ivoirian parties to the conflict, the Government of Côte d'Ivoire as well as Forces nouvelles, fully comply with the ceasefire;
2. *Reiterates* its full support for the action undertaken by UNOCI and French forces in accordance with their mandate under resolution 1528 (2004) and with the statement of its President of 6 November 2004 (S/PRST/2004/42);
3. *Emphasizes* again that there can be no military solution to the crisis and that the full implementation of the Linas-Marcoussis and Accra III Agreements remains the only way to resolve the crisis persisting in the country;
4. *Urges* as a consequence the President of the Republic of Côte d'Ivoire, the heads of all the Ivoirian political parties and the leaders of the Forces Nouvelles immediately to begin resolutely implementing all the commitments they have made under these agreements;
5. *Expresses* its full support for the efforts of the Secretary-General, the African Union and ECOWAS and *encourages* them to continue these efforts in order to relaunch the peace process in Côte d'Ivoire;
6. *Demands* that the Ivoirian authorities stop all radio and television broadcasting inciting hatred, intolerance and violence, *requests* UNOCI to strengthen its monitoring role in this regard, and *urges* the Government of Côte d'Ivoire and the Forces nouvelles to take all necessary measures to ensure the security and the safety of civilian persons, including foreign nationals and their property;
7. *Decides* that all States shall, for a period of thirteen months from the date of adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities;
8. *Decides* that the measures imposed by paragraph 7 above shall not apply to:
 - (a) supplies and technical assistance intended solely for the support of or use by UNOCI and the French forces who support them,
 - (b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by the Committee established by paragraph 14 below,
 - (c) supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only,
 - (d) supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular

responsibility in Côte d'Ivoire, as notified in advance to the Committee established by paragraph 14 below,

(e) supplies of arms and related materiel and technical training and assistance intended solely for support of or use in the process of restructuring defence and security forces pursuant to paragraph 3, subparagraph (f) of the Linas-Marcoussis Agreement, as approved in advance by the Committee established by paragraph 14 below;

9. *Decides* that all States shall take the necessary measures, for a period of twelve months, to prevent the entry into or transit through their territories of all persons designated by the Committee established by paragraph 14 below, who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence, and any other person determined by the Committee to be in violation of measures imposed by paragraph 7 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

10. *Decides* that the measures imposed by paragraph 9 shall not apply where the Committee established by paragraph 14 below determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the Council's resolutions, for peace and national reconciliation in Côte d'Ivoire and stability in the region;

11. *Decides* that all States shall, for the same period of twelve months, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, owned or controlled directly or indirectly by the persons designated pursuant to paragraph 9 above by the Committee established by paragraph 14 below, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and *decides further* that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

12. *Decides* that the provisions of paragraph 11 do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee established by paragraph 14 below of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification,

(b) have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee, or

(c) have been determined by relevant States to be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement: was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 11 above or an individual or entity identified by the Committee, and has been notified by the relevant States to the Committee;

13. *Decides* that, at the end of a period of 13 months from the date of adoption of this resolution, the Security Council shall review the measures imposed by paragraphs 7, 9 and 11 above, in the light of progress accomplished in the peace and national reconciliation process in Côte d'Ivoire as defined by the Linas-Marcoussis and Accra III Agreements, and expresses its readiness to consider the modification or termination of these measures before the aforesaid period of 13 months only if the Linas-Marcoussis and Accra III Agreements have been fully implemented;

14. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (the Committee), to undertake the following tasks:

(a) to designate the individuals and entities subject to the measures imposed by paragraphs 9 and 11 above, and to update this list regularly,

(b) to seek from all States concerned, and particularly those in the region, information regarding the actions taken by them to implement the measures imposed by paragraphs 7, 9 and 11 above, and whatever further information it may consider useful, including by providing them with an opportunity to send representatives to meet the Committee to discuss in more detail any relevant issues,

(c) to consider and decide upon requests for the exemptions set out in paragraphs 8, 10 and 12 above,

(d) to make relevant information publicly available through appropriate media, including the list of persons referred to in subparagraph (a) above,

(e) to promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraphs 11 and 12 above,

(f) to present regular reports to the Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 7, 9 and 11 above;

15. *Requests* all States concerned, in particular those in the region, to report to the Committee, within ninety days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 7, 9 and 11 above, and *authorizes* the Committee to request whatever further information it may consider necessary;

16. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee, in

particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 above;

17. *Expresses its determination* to consider without delay further steps to ensure the effective monitoring and implementation of the measures imposed by paragraphs 7, 9 and 11 above, in particular the establishment of a panel of experts;

18. *Requests* the Secretary-General to submit a report to the Council by 15 March 2005, drawing on information from all relevant sources, including the Government of National Reconciliation in Côte d'Ivoire, UNOCI, ECOWAS and the African Union, on progress made towards the goals described in paragraph 13 above;

19. *Decides* that the measures imposed by paragraphs 9 and 11 above shall enter into force on 15 December 2004, unless the Security Council shall determine before then that the signatories of the Linas-Marcoussis and Accra III Agreements have implemented all their commitments under the Accra III Agreement and are embarked towards full implementation of the Linas-Marcoussis Agreement;

20. *Decides* to remain actively seized of the matter.

United Nations

S/RES/1643 (2005)

**Security Council**Distr.: General
15 December 2005

Resolution 1643 (2005)**Adopted by the Security Council at its 5327th meeting,
on 15 December 2005***The Security Council,**Recalling* its previous resolutions and statements of its President relating to the situation in Côte d'Ivoire,*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,*Recalling* that it endorsed the Agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of State on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, the Agreement signed in Accra on 30 July 2004 (the Accra III Agreement) and the Agreement signed in Pretoria on 6 April 2005 (the Pretoria Agreement), as well as the decision of the Peace and Security Council of the African Union on the situation in Côte d'Ivoire adopted at its 40th meeting at the level of Heads of State and Government held on 6 October 2005 in Addis Ababa (S/2005/639),*Commending* the efforts of the Secretary-General, the African Union, in particular President Olusegun Obasanjo of Nigeria, Chair of the African Union, and President Thabo Mbeki of the Republic of South Africa, Mediator of the African Union, President Mamadou Tandja of Niger, Chair of the Economic Community of West African States (ECOWAS) and the leaders of the region, to promote peace and stability in Côte d'Ivoire, and *reiterating* its full support for them,*Recalling* the final communiqué of the International Working Group of 8 November 2005, which stated in particular that the fundamental basis of the peace and national reconciliation process is enshrined in resolution 1633 (2005), and recalling also its final communiqué of 6 December 2005,*Recalling* strongly the obligations of all Ivorian parties, the Government of Côte d'Ivoire as well as the Forces nouvelles, to refrain from any violence, in particular against civilians including foreign citizens, and to cooperate fully with the activities of the United Nations Operation in Côte d'Ivoire (UNOCI),

Expressing its serious concern at the persistence of the crisis in Côte d'Ivoire and of obstacles to the peace and national reconciliation process from all sides,

Reiterating its firm condemnation of all violations of human rights and international humanitarian law, including the use of child soldiers, in Côte d'Ivoire,

Taking note of the final communiqué of the Kimberley Process Plenary Meeting held in Moscow from 15 to 17 November 2005 and of the resolution adopted by Kimberley Process participants at that meeting setting out concrete measures to prevent the introduction of diamonds from Côte d'Ivoire into the legitimate diamond trade, and *recognizing* the linkage between the illegal exploitation of natural resources such as diamonds, illicit trade in such resources, and the proliferation and trafficking of arms and the recruitment and use of mercenaries as one of the sources of fuelling and exacerbating conflicts in West Africa,

Taking note also of the report of the United Nations Panel of Experts on Côte d'Ivoire dated 7 November 2005 (S/2005/699),

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 15 December 2006 the provisions of paragraphs 7 to 12 of resolution 1572 (2004);

2. *Reaffirms* paragraphs 4 and 6 of resolution 1572 (2004), paragraph 5 of resolution 1584 (2005), and paragraphs 3, 9, 14, 15, 16, 17, 18, 19 and 21 of resolution 1633 (2005), *reaffirms* also paragraph 8 of resolution 1584 (2005), and, in this regard, demands that the Forces nouvelles establish without delay a comprehensive list of armaments in their possession, in accordance with their obligations;

3. *Reaffirms* its readiness to impose the individual measures provided for in paragraphs 9 and 11 of resolution 1572 (2004), including against any person designated by the Committee established by paragraph 14 of resolution 1572 who blocks the implementation of the peace process as enshrined in resolution 1633 (2005) and in the final communiqué of the International Working Group, who is determined responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire since 19 September 2002, who incites publicly hatred and violence, and who is determined to be in violation of the arms embargo;

4. *Decides* that any serious obstacle to the freedom of movement of UNOCI and of the French forces which support it, or any attack or obstruction to the action of UNOCI, of the French forces, of the High Representative for the elections and of the International Working Group constitutes a threat to the peace and national reconciliation process for purposes of paragraphs 9 and 11 of resolution 1572 (2004);

5. *Requests* the Secretary-General and the French Government to report to it immediately, through the Security Council Committee established by paragraph 14 of resolution 1572 (2004) (the Committee), of any serious obstacle to the freedom of movement of UNOCI and of the French forces which support it, including the

names of those responsible, and requests also the High Representative for the elections and the International Working Group to report to it immediately, through the Committee, any attack or obstruction to their action;

6. *Decides* that all States shall take the necessary measures to prevent the import of all rough diamonds from Côte d'Ivoire to their territory, *welcomes* the measures agreed by participants in the Kimberley Process Certification Scheme to this effect, and *calls upon* the States in the region which are not participants in the Kimberley Process to intensify their efforts to join the Kimberley Process in order to increase the effectiveness of monitoring the import of diamonds from Côte d'Ivoire;

7. *Requests* all States concerned, in particular those in the region, to report to the Committee, within 90 days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraphs 4 and 6 above, and *authorizes* the Committee to request whatever further information it may consider necessary;

8. *Decides* that at the end of the period mentioned in paragraph 1 above, the Security Council shall review the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraphs 4 and 6 above, in the light of progress accomplished in the peace and national reconciliation process in Côte d'Ivoire, and *expresses* its readiness to consider the modification or termination of these measures before the aforesaid period only if the provisions of resolution 1633 (2005) have been fully implemented;

9. *Requests* the Secretary-General, in consultation with the Committee, to re-establish, within 30 days from the date of adoption of this resolution and for a period of 6 months, a group of experts consisting of no more than five members (the Group of Experts), with the appropriate range of expertise, in particular on arms, diamonds, finance, customs, civil aviation and any other relevant expertise, to perform the following mandate:

(a) To exchange information with UNOCI and the French forces in the context of their monitoring mandate set out in paragraphs 2 and 12 of resolution 1609 (2005),

(b) To gather and analyse all relevant information in Côte d'Ivoire and elsewhere, in cooperation with the governments of those countries, on flows of arms and related materiel, on provision of assistance, advice or training related to military activities, on networks operating in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and on the sources of financing, including from the exploitation of natural resources in Côte d'Ivoire, for purchases of arms and related materiel and activities,

(c) To consider and recommend, where appropriate, ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed by paragraph 7 of resolution 1572 (2004) and by paragraph 6 above,

(d) To seek further information regarding the action taken by States with a view to implementing effectively the measures imposed by paragraph 6 above,

(e) To report to the Security Council in writing within 90 days from its establishment, through the Committee, on the implementation of the measures

imposed by paragraph 7 of resolution 1572 (2004) and paragraph 6 above, with recommendations in this regard,

(f) To keep the Committee regularly updated on its activities,

(g) To provide the Committee in its reports with evidence of any violations of the measures imposed by paragraph 7 of resolution 1572 (2004) and paragraph 6 above,

(h) To cooperate with other relevant groups of experts, in particular that established on Liberia by resolutions 1521 of 22 December 2003 and 1579 of 21 December 2004,

(i) To monitor the implementation of the individual measures set out in paragraphs 9 and 11 of resolution 1572 (2004);

10. *Requests* the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d'Ivoire and about the production and illicit export of diamonds;

11. *Requests* also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d'Ivoire and about the production and illicit export of diamonds;

12. *Requests* also the Kimberley Process to communicate as appropriate to the Security Council, through the Committee, information and, when possible, reviewed by the Group of Experts, about the production and illicit export of diamonds;

13. *Urges* all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraphs 4 and 6 above;

14. *Decides* to remain actively seized of the matter.

**UNITED NATIONS SANCTIONS (CÔTE D'IVOIRE) ~~(NO. 2)~~
REGULATION ~~2008~~2010**

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UNITED NATIONS SANCTIONS (CÔTE D’IVOIRE)
~~(NO. 2)~~ REGULATION 20082010

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People’s Republic of China and after consultation with the Executive Council)

PART 1

PRELIMINARY

1. Interpretation

In this Regulation, ~~unless the context otherwise requires~~ –

“Accra III Agreement” (《阿克拉協定三》) means the agreement known as the Accra III Agreement, signed in Accra, Ghana, on 30 July 2004 by the President of the Republic of Côte d’Ivoire, the Prime Minister of the Government of National Reconciliation and all the political forces of Côte d’Ivoire;

“arms or related mater~~iael~~” (軍火或相關的物資) includes military aircraft and equipment;

“authorized officer” (獲授權人員) means –

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

“Commissioner” (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

“Committee” (委員會) means the Committee of the Security Council established under paragraph 14 of Resolution 1572;

“economic resources” (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

“funds” (資金) includes –

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

“licence” (特許) means a licence granted under section 9(1)(a) or (b), 10(1) or (2), ~~or~~ 11(1) or 12(1);

“Linas-Marcoussis Agreement” (《利納 – 馬庫錫協定》) means the agreement known as the Linas-Marcoussis Agreement, signed by the Ivoirian political forces in Linas-Marcoussis on 24 January 2003 and approved by the Conference of Heads of States on Côte d’Ivoire held in Paris on 25 and 26 January 2003;

“master” (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

“operator” (營運人), in relation to a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

“Ouagadougou Political Agreement” (《瓦加杜古政治協議》) means the agreement signed in Ouagadougou, Burkina Faso on 4 March 2007 by the President of the Republic of Côte d’Ivoire, the Secretary-General of the Forces ~~N~~ouvelles of the Republic of Côte d’Ivoire and the President of Burkina Faso cum Chairman of the Economic Community of West African States as Facilitator;

“person connected with Côte d’Ivoire” (有關連人士) means –

- (a) the Government of Côte d’Ivoire;
- (b) any person in, or resident in, Côte d’Ivoire;
- (c) any body incorporated or constituted under the law of Côte d’Ivoire;
- (d) any body, wherever incorporated or constituted, which is controlled by –
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b); or
 - (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of –
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b); or
 - (iii) a body mentioned in paragraph (c) or (d);

“pilot in command” (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;

“prohibited goods” (禁制物品) means any arms or related materiae;l;

“relevant entity” (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section ~~3132~~;

“relevant person” (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section ~~3132~~;

“Resolution 1572” (《第 1572 號決議》) means Resolution 1572 (2004) adopted by the Security Council on 15 November 2004;

“Resolution ~~18421893~~” (《第 ~~18421893~~ 號決議》) means Resolution ~~18421893~~ (~~20082009~~) adopted by the Security Council on 29 October ~~20082009~~;

“Security Council” (安全理事會) means the Security Council of the United Nations;

“UNOCI” (聯科行動) means the United Nations Operation in Côte d’Ivoire.

PART 2

PROHIBITIONS

2. **Prohibition against supply, sale or ~~delivery~~ transfer of certain goods**

(1) This section applies to –

(a) a person acting in the HKSAR; and

(b) a person acting outside the HKSAR who is –

(i) both a Hong Kong permanent resident and a Chinese national; or

(ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section 9(1)(a), a person ~~shall~~must not supply, sell or ~~deliver~~transfer, or agree to supply, sell or ~~deliver~~transfer, directly or indirectly, or do any act likely to promote the supply, sale or ~~delivery~~transfer of, any prohibited goods –

(a) to Côte d’Ivoire;

(b) to, or to the order of, a person connected with Côte d'Ivoire; or

(c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

(3) A person who contravenes subsection (2) commits an offence and is liable –

(a) on conviction on indictment to a fine and to imprisonment for 7 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe –

(a) that the goods concerned were prohibited goods; or

(b) that the goods concerned were or were to be supplied, sold or ~~delivered~~ transferred –

(i) to Côte d'Ivoire;

(ii) to, or to the order of, a person connected with Côte d'Ivoire; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

3. Prohibition against carriage of certain goods

(1) This section applies to –

(a) a ship that is registered in the HKSAR;

(b) an aircraft that is registered in the HKSAR;

- (c) any other ship or aircraft that is for the time being chartered to a person who is –
 - (i) in the HKSAR;
 - (ii) both a Hong Kong permanent resident and a Chinese national; or
 - (iii) a body incorporated or constituted under the law of the HKSAR; and
- (d) a vehicle in the HKSAR.

(2) Without limiting section 2, except under the authority of a licence granted under section 9(1)(b), a ship, aircraft or vehicle ~~shall~~must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage –

- (a) from a place outside Côte d’Ivoire to a place in Côte d’Ivoire;
- (b) to, or to the order of, a person connected with Côte d’Ivoire; or
- (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.

(3) Subsection (2) does not apply if –

- (a) the carriage of the prohibited goods is performed in the course of the supply, sale or ~~delivery~~transfer of the prohibited goods; and
- (b) the supply, sale or ~~delivery~~transfer was authorized by a licence granted under section 9(1)(a).

(4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence –

- (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
- (b) in the case of any other ship –

- (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (c) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
- (d) in the case of any other aircraft –
 - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;

- (e) in the case of a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable –
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe –
- (a) that the goods concerned were prohibited goods; or
 - (b) that the carriage of the goods concerned was, or formed part of, a carriage –
 - (i) from a place outside Côte d’Ivoire to a place in Côte d’Ivoire;
 - (ii) to, or to the order of, a person connected with Côte d’Ivoire; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.

4. Prohibition against provision of certain advice, assistance or training

- (1) This section applies to –
- (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is –
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.

(2) A person ~~shall~~must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any advice related to military activities.

(3) Except under the authority of a licence granted under section 10(1) or (2), a person ~~shall~~must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any assistance or training related to military activities.

(4) A person who contravenes subsection (2) or (3) commits an offence and is liable –

(a) on conviction on indictment to a fine and to imprisonment for 7 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe –

(a) that the advice, assistance or training concerned was or was to be provided to a person connected with Côte d'Ivoire; or

(b) that the advice, assistance or training concerned related to military activities.

5. Prohibition against importation of rough diamonds

(1) Except under the authority of a licence granted under section 11(1), a person must not import any rough diamond from Côte d'Ivoire into the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable –

(a) on conviction on indictment to a fine and to imprisonment for 2 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe that the rough diamond concerned was imported from Côte d'Ivoire into the HKSAR.

56. Prohibition against making available funds, etc. or dealing with funds, etc.

(1) This section applies to –

(a) a person acting in the HKSAR; and

(b) a person acting outside the HKSAR who is –

(i) both a Hong Kong permanent resident and a Chinese national; or

(ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section

~~112(1), =~~

(a) a person shall—must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and

(b) a person (“first-mentioned person”) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.

~~(3) — The addition to an account owned or controlled by a relevant person or a relevant entity of interest or other earnings due on that account does not constitute making available funds or other financial assets or economic resources to, or for the benefit of, the relevant person or the relevant entity.~~

(43) A person who contravenes subsection (2) commits an offence and is liable –

(a) on conviction on indictment to a fine and to imprisonment for 7 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(54) It is a defence for a person charged with an offence under subsection (43) to prove that the person did not know and had no reason to believe ~~that =~~

~~(a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity;~~
~~or~~

~~(b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.~~

~~(5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with –~~

~~(a) interest or other earnings due on that account; or~~

~~(b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.~~

~~(6) In this section, “deal with” (處理) means –~~

~~(a) in respect of funds –~~

- (i) use, alter, move, allow access to or transfer;
 - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
 - (iii) make any other change that would enable use, including portfolio management; and
- (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

6. ~~Prohibition against importation of rough diamonds~~

~~(1) A person shall not import any rough diamond from Côte d'Ivoire into the HKSAR.~~

~~(2) A person who contravenes subsection (1) commits an offence and is liable—~~

~~(a) on conviction on indictment to a fine and to imprisonment for 2 years; or~~

~~(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.~~

~~(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe that the rough diamond concerned was imported from Côte d'Ivoire into the HKSAR.~~

7. Prohibition against entry or transit by certain persons

(1) Subject to section 8, a specified person ~~shall~~must not enter or transit through the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

(3) This section does not ~~prohibit apply to~~ a person having the right of abode or the right to land in the HKSAR ~~from entry into the HKSAR~~.

(4) In this section –

“paragraph 7 of Resolution 1572” (《第 1572 號決議》第 7 段) means paragraph 7 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution ~~1842~~1893;

“paragraph 9 of Resolution 1572” (《第 1572 號決議》第 9 段) means paragraph 9 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution ~~1842~~1893;

“Resolution ~~1765~~1880” (《第 ~~1765~~1880 號決議》) means Resolution ~~1765~~1880 (~~2007~~2009) adopted by the Security Council on ~~16~~30 July ~~2007~~2009;

“Secretary-General” (秘書長) means the Secretary-General of the United Nations;

“specified person” (指明人士) means a person designated by the Committee, for the purposes of paragraph 9 of Resolution 1572, as a person who constitutes a threat to the peace and national reconciliation process in Côte d’Ivoire.

(5) For the purposes of the definition of “specified person” in subsection (4) –

(a) any of the following constitutes a threat to the peace and national reconciliation process in Côte d’Ivoire –

(i) any serious obstacle to the freedom of movement of the UNOCI or the French forces which support the UNOCI;

(ii) any attack on or obstruction ~~to~~of the action of the UNOCI, the French forces or the Special

Representative of the Secretary-General in Côte d'Ivoire;

- (iii) any attack on or obstruction ~~to~~of the action of the Facilitator mentioned in paragraph ~~1023~~ of Resolution ~~1765~~1880 or the Facilitator's Special Representative in Côte d'Ivoire;
 - (iv) any threat to the electoral process in Côte d'Ivoire, in particular, any attack on or obstruction ~~to~~of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement; and
- (b) without limiting paragraph (a), a person who constitutes a threat to the peace and national reconciliation process in Côte d'Ivoire includes –
- (i) a person who blocks the implementation of the Linas-Marcoussis Agreement or Accra III Agreement;
 - (ii) a person who is responsible for serious violations of human rights or international humanitarian law in Côte d'Ivoire;
 - (iii) a person who incites publicly hatred and violence; and
 - (iv) a person who is determined by the Committee to be in violation of measures imposed by paragraph 7 of Resolution 1572.

8. Exceptions to prohibition against entry or transit by certain persons

Section 7 does not apply to a case in respect of which –

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (b) the Committee has determined that the relevant entry into or transit through the HKSAR would further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in Côte d'Ivoire and stability in the region.

PART 3

LICENCES

9. Licence for supply, ~~delivery~~ sale, transfer or carriage of certain goods

(1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive ~~shall~~ must, subject to subsection (3), grant, as appropriate –

- (a) a licence for the supply, sale or ~~delivery~~ transfer of, or the doing of an act likely to promote the supply, sale or ~~delivery~~ transfer of, prohibited goods –
 - (i) to Côte d'Ivoire;
 - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire; or
- (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage –

- (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
 - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (2) The requirements referred to in subsection (1) are as follows –
- (a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
 - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
 - (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Côte d'Ivoire by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
 - (d) the prohibited goods are to be temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, ~~and the Committee has been notified in advance of the supply of the goods~~;
 - (e) the prohibited goods are intended solely for the support of or use in the process of restructuring defence or security

forces pursuant to subparagraph (f) of paragraph 3 of the Linas-Marcoussis Agreement, as approved in advance by the Committee.

(3) If the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

10. Licence for provision of certain assistance or training

(1) If satisfied on application that any of the requirements in subsection (3) is met, the Chief Executive ~~shall~~must grant a licence to provide to a person connected with Côte d'Ivoire assistance related to military activities.

(2) If satisfied on application that any of the requirements in subsection (4) is met, the Chief Executive ~~shall~~must grant a licence to provide to a person connected with Côte d'Ivoire training related to military activities.

(3) The requirements referred to in subsection (1) are as follows –

- (a) the assistance is technical assistance intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
- (b) the assistance is technical assistance related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
- (c) the assistance is technical assistance intended solely for the support of or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas-Marcoussis Agreement, as approved in advance by the Committee.

(4) The requirements referred to in subsection (2) are as follows –

- (a) the training is technical training related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
- (b) the training is technical training intended solely for the support of or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas-Marcoussis Agreement, as approved in advance by the Committee.

11. Licence for importation of rough diamonds

(1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to import rough diamonds from Côte d’Ivoire into the HKSAR.

(2) The requirement referred to in subsection (1) is that –

- (a) the proposed import is solely for the purpose of scientific research, and analysis in connection with the research, to facilitate the development of specific technical information concerning Ivorian diamond production; and
- (b) the research is coordinated by the Kimberley Process and approved by the Committee.

(3) If the requirement in subsection (2) is met, the Chief Executive –

- (a) must cause the parties by which a request is required to be submitted under paragraph 17 of Resolution 1893 to be notified of the application; and
- (b) must not grant the licence unless the Committee has given its approval for the proposed import.

(4) In subsection (2)(b), “Kimberley Process” (金伯利進程) has the same meaning as in section 6DA of the Import and Export (General) Regulations (Cap. 60 sub. leg. A).

1112. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities

(1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive ~~shall~~must, subject to subsection (3), grant, as appropriate, a licence for –

(a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or

(b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.

(2) The requirements referred to in subsection (1) are as follows –

(a) the funds or other financial assets or economic resources are –

(i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges; ~~or~~

(ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or

(iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;

(b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;

- (c) the funds or other financial assets or economic resources –
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered ~~prior to~~ before 15 November 2004 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment.
- (3) If the Chief Executive determines that –
 - (a) the requirement in subsection (2)(a) is met, the Chief Executive –
 - (i) ~~shall~~ must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) ~~shall~~ must grant the licence in the absence of a negative decision by the Committee within 2 working days of the notification;
 - (b) the requirement in subsection (2)(b) is met, the Chief Executive –
 - (i) ~~shall~~ must cause the Committee to be notified of the determination; and
 - (ii) ~~shall~~ must not grant the licence unless the Committee approves the determination;
 - (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive ~~shall~~ must cause the Committee to be notified of the determination.

1213. Provision of false information or documents for purpose of obtaining licences

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable –

(a) on conviction on indictment to a fine and to imprisonment for 2 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable –

(a) on conviction on indictment to a fine and to imprisonment for 2 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

PART 4

THINGS DONE OUTSIDE HKSAR

1314. Licence or permission granted by authorities of places outside HKSAR

(1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.

(2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted₂ in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.

PART 5

ENFORCEMENT OF REGULATION

Division 1 - Investigation, etc. of Suspected Ships

1415. Investigation of suspected ships

(1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may –

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.

(2) If an authorized officer has reason to suspect that a ship to which section 3 applies is being or is about to be used in contravention of section 3(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of that section or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following –

- (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;

- (b) request the charterer, operator or master of the ship to take any of the following steps –
- (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
 - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.

(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to –

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

1516. Offences by charterer, operator or master of ship

(1) A charterer, operator or master of a ship who disobeys any direction given under section 1415(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 1415(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) A charterer, operator or master of a ship who, in response to a request made under section 1415(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

1617. Power of authorized officers to enter and detain ships

(1) Without limiting section 1516, if an authorized officer has reason to suspect that a request that has been made under section 1415(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps –

- (a) enter or authorize the entry on any land or the ship concerned;
- (b) detain or authorize the detention of that ship or any of its cargo;
- (c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.

(3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 2 - Investigation, etc. of Suspected Aircraft

1718. Investigation of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may –

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.

(2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.

(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to –

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

1819. Offences by charterer, operator or pilot in command of aircraft

(1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 1718(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 1718(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

1920. Power of authorized officers to enter and detain aircraft

(1) Without limiting section 1819, if an authorized officer has reason to suspect that a request that has been made under section 1718(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps –

- (a) enter or authorize the entry on any land or the aircraft concerned;

- (b) detain or authorize the detention of that aircraft or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 3 - Investigation, etc. of Suspected Vehicles

2021. Investigation of suspected vehicles

- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2), the officer may –
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
 - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
 - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that

place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

(2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to –

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

2122. Offences by operator or driver of vehicle

(1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 2021(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) An operator or driver of a vehicle who, in response to a request made under section 2021(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

2223. Power of authorized officers to enter and detain vehicles

(1) Without limiting section 2122, if an authorized officer has reason to suspect that a request that has been made under section 2021(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be

necessary to secure compliance with that request including, in particular, any of the following steps –

- (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
 - (b) detain or authorize the detention of that vehicle or any article carried on it;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 4 - Proof of Identity

2324. Production of proof of identity

Before or on exercising a power conferred by section 1415, 1617, 1718, 1920, 2021 or 2223, an authorized officer ~~shall~~must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

PART 6

EVIDENCE

2425. Power of magistrate or judge to grant warrant

(1) A magistrate or judge may grant a warrant if ~~the magistrate or judge is~~ satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that –

- (a) an offence under this Regulation has been committed or is being committed; and

(b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.

(2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.

(3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers –

(a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;

(b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;

(c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.

(4) A person may only be searched under this section by a person who is of the same sex.

(5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

2526. Detention of documents, cargoes or articles seized

(1) Subject to subsection (2), any document, cargo or article seized under section 2425(3) may not be detained for ~~a period of~~ more than 3 months.

(2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

PART 7

DISCLOSURE OF INFORMATION OR DOCUMENTS

2627. Disclosure of information or documents

(1) Any information or document provided, produced or seized under this Regulation may be disclosed only if –

- (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
- (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
- (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to –
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or
 - (iii) the Government of any place outside the People's Republic of China,

for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting

- evasion of, measures in relation to Côte d'Ivoire decided on by the Security Council; or
- (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a) –
- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
- (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.

PART 8

OTHER OFFENCES AND MISCELLANEOUS MATTERS

2728. Liability of persons other than principal offenders

(1) If the person convicted of an offence under this Regulation is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, the director, manager, secretary or other similar officer is guilty of the like offence.

(2) If the person convicted of an offence under this Regulation is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm is guilty of the like offence.

2829. Offences in relation to obstruction of authorized persons, etc.

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

2930. Offences in relation to evasion of this Regulation

A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable –

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

3031. Consent and time limit for proceedings

(1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.

(2) Summary proceedings for an offence under this Regulation that is alleged to have been committed outside the HKSAR may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after the alleged commission of the offence.

3132. Specification of relevant person or relevant entity by Chief Executive

(1) The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 11 of Resolution 1572.

(2) In this section, “paragraph 11 of Resolution 1572” (《第 1572 號決議》第 11 段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution ~~1842~~1893.

3233. Exercise of powers of Chief Executive

(1) The Chief Executive may delegate any of the Chief Executive’s powers or functions under this Regulation to any person or class or description of person.

(2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.

(3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.

PART 9

DURATION

3334. Duration

This Regulation expires at midnight on 31 October ~~2009~~2010.

Chief Executive

~~2008~~2010

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution ~~1842~~1893 (~~2008~~2009) as adopted by the Security Council of the United Nations on 29 October ~~2008~~2009 by providing for the prohibition against –

- (a) the supply, ~~delivery and sale, transfer or~~ carriage of arms ~~and or~~ related materials to Côte d'Ivoire;
- (b) the provision of advice, assistance or training related to military activities in certain circumstances;
- ~~(c) importation of rough diamonds from Côte d'Ivoire;~~
- ~~(ed)~~ making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- ~~(e) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and~~
- ~~(ef)~~ entry into or transit through the HKSAR ~~of by~~ certain persons; ~~and.~~
- ~~(e) importation of rough diamonds from Côte d'Ivoire.~~

**United Nations Sanctions
(Côte d'Ivoire) Regulation 2010**

Information on Côte d'Ivoire

Country Background

Côte d'Ivoire is a country in western Africa, bordering the North Atlantic Ocean between Liberia, Ghana and Guinea. With its capital in Yamoussoukro and largest city in Abidjan, Côte d'Ivoire has a total area of 322,463 sq. km. and a projected population of around 19.3 million. Côte d'Ivoire has a GDP of US\$20.7 billion (or HK\$161.5 billion) in 2007, supported mainly by its production and export of coffee, cocoa beans, and palm oil.¹ Merchandise imports and exports of Côte d'Ivoire in 2009 amounted to US\$ 6.5 billion (or HK\$50.4 billion) and US\$ 9.3 billion (or HK\$72.1 billion) respectively.² After gaining independence from France, Côte d'Ivoire established its republic government in August 1960. It is currently led by President Laurent Gbagbo who came to power in 2000.

United Nations Sanctions against Côte d'Ivoire

2. During the 1990s, Côte d'Ivoire was among the most stable and prosperous states in west Africa. However, the country's economy had suffered from greater competition and falling prices in agricultural products in the global market, and the economic fallout was exacerbated by the social unrest and political crisis. Attempted coup-turned-rebellion in 2002 had divided up the country, with armed conflict between the Government (concentrated in the south) and the rebel Forces Nouvelles (which controlled much of the country and were primarily in the north). The United Nations peacekeepers maintained a buffer zone in between; the civil war continued for several years.³

¹ Source: World Statistics Pocket Book published by United Nations Statistics Division at <http://data.un.org/CountryProfile.aspx?crName=Côte%20d'Ivoire>

² Source : WTO Statistics Database at <http://stat.wto.org/Home/WSDBHome.aspx?Language=E>

³ Source: Official Website of World Food Programme at <http://www.wfp.org/countries/c%C3%B4te-divoire> and Official Website of UNICEF at <http://www.unicef.org/infobycountry/cotedivoire.html>

3. The Linas-Marcoussis Agreement brokered by France was signed in January 2003 by the Government of Côte d'Ivoire and the rebel forces. The accord called for the formation of a government of national reconciliation to include representatives of Forces Nouvelles and the establishment of a United Nations monitoring committee to supervise compliance, followed by a ceasefire deal. With continuing political tension, the Accra II and the Accra III agreements were signed in March 2003 and July 2004 respectively to consolidate the peace process through disarmament of the rebel forces. Notwithstanding, hostilities in Côte d'Ivoire resumed and the ceasefire agreement was repeatedly violated. In view of the threat to regional peace process, the United Nations Security Council (UNSC) adopted Resolution 1572 on 15 November 2004 to impose arms embargo on Côte d'Ivoire, travel ban and assets freeze of certain persons.

4. The sanctions regime has been modified by UNSC Resolution 1643 in 2005, which imposes further prohibition on the import of rough diamonds from Côte d'Ivoire to prevent illicit trading and financing to armed forces through conflict diamonds. The sanctions on Côte d'Ivoire were renewed by subsequent UNSC Resolutions, the most recent one being Resolution 1893 adopted on 29 October 2009 that extended and modified the sanctions until 31 October 2010.

Trade Relation between Hong Kong and Côte d'Ivoire

5. In 2009, Côte d'Ivoire ranked 140th among Hong Kong's trading partners in the world, with a total trade of HK\$69.2 million. Of these, HK\$48.3 million worth of trade were exports to the Côte d'Ivoire, and HK\$21 million imports. Hong Kong's trade with Côte d'Ivoire are summarized as follows –

Hong Kong's Trade with Côte d'Ivoire [Value in HK\$ (in million)]		
Item	2008	2009
(a) Total Exports to Côte d'Ivoire	134.4	48.2
<i>(i) Domestic exports</i>	5.7 ⁴	11 ⁵

⁴ In 2008, domestic export items to Côte d'Ivoire include aluminium (97.2%); and parts and accessories of office machines and computers (1.6%).

⁵ In 2009, domestic export items to Côte d'Ivoire include aluminium (96.5%) and plastic articles (1.7%). The significant increase in domestic exports in 2009 was caused by a rise in demand for aluminium.

<i>(ii) Re-exports</i>	128.7 ⁶	37.3 ⁷
(b) Imports from Côte d'Ivoire	32.4 ⁸	21.0 ⁹
Total Trade [(a) + (b)]	166.8	69.2

In 2009, HK\$41.2 million worth of goods, or 0.9% of the total trade between Côte d'Ivoire and the Mainland, were routed through Hong Kong. Of these, HK\$7.4 million worth of goods were re-exports from Côte d'Ivoire to Mainland. The remaining HK\$33.8 million were re-exports of Mainland origin to the Côte d'Ivoire via Hong Kong.

6. The current arms embargo, travel ban, restriction on import of rough diamond and financial sanctions against Côte d'Ivoire imposed by the UNSC would unlikely affect the trade between Hong Kong and Côte d'Ivoire adversely, as the major categories of commodities traded are not related to arms and related materials. In addition, given the rather small trade volume between the two places, the UNSC sanctions against Côte d'Ivoire would unlikely have any effect on the economy of Hong Kong.

Commerce and Economic Development Bureau April 2010

⁶ In 2008, re-exports to Côte d'Ivoire include telecommunications equipment (84.0%); rotating electric plant and parts (2.9%); and toys and games (2.5%).

⁷ In 2009, re-exports to Côte d'Ivoire include telecommunications equipment (52.3%); clothing (8.1%); toys and games (6.2%); and radio-broadcast receivers (5.0%). The decrease in re-exports to Côte d'Ivoire in 2009 was attributed to the decline in re-exports of telecommunications equipment.

⁸ In 2008, imports from Côte d'Ivoire include cotton (93.6%); wood (simply worked) (1.9%); and non-ferrous base metal waste and scrap (1.9%).

⁹ In 2009, imports from Côte d'Ivoire include cotton (44.7%); telecommunications equipment (32.9%); ferrous waste and scrap; remelting ingots of iron or steel (10.9%); and non-ferrous base metal waste and scrap (9.4%). The drop in imports in 2009 was caused by a decrease in demand for imports of cotton.