

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

UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2009

UNITED NATIONS SANCTIONS (LIBERIA) REGULATION
2008 (REPEAL) REGULATION

INTRODUCTION

At the meeting of the Executive Council on 10 March 2009, the Council advised and the Chief Executive ordered that –

A

- (a) the United Nations Sanctions (Liberia) Regulation 2009 (“the Regulation”), at Annex A, be made under section 3 of the United Nations Sanctions Ordinance (“the Ordinance”) to give effect to the instruction of the Ministry of Foreign Affairs (“MFA”) of the People’s Republic of China; and

B

- (b) the United Nations Sanctions (Liberia) Regulation 2008 (Repeal) Regulation (“the Repeal Regulation”), at Annex B, be made consequential to the making of the Regulation.

The Regulation and the Repeal Regulation were gazetted on 13 March 2009. The Regulation (except the provisions of the Regulation that relate to financial sanctions) came into operation on the same date. The Repeal Regulation and the provisions of the Regulation that relate to financial sanctions will come into effect on 20 March 2009¹.

¹ After the repeal of the United Nations Sanctions (Liberia) Regulation 2008 (Cap 537AI), the current list of relevant persons or relevant entities as specified by the CE for the purposes of the financial sanctions provisions will expire. A new list can only be gazetted pursuant to section 31 of the Regulation after the Regulation has come into effect. To ensure that there is no time-gap, we propose that the Repeal Regulation and sections 6 and 11 of the Regulation be brought into effect one week later than the Regulation.

BACKGROUND

Obligation and Authority

2. Under section 3(1) of the Ordinance, the Chief Executive (“CE”) is required to make regulations to give effect to an instruction by MFA to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In January 2009, the CE received an instruction from the MFA which requested the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution 1854. The Regulation was made pursuant to that instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction is at Annex C.

C

Sanctions against Liberia

3. Since March 2001, the UNSC has adopted a series of resolutions imposing sanctions against Liberia in view of the country’s support for armed rebel groups in neighbouring countries which constitute a threat to international peace and security in the region. These resolutions include Resolution 1532 (at Annex D), which imposes financial sanctions.

D

4. To implement the UN sanctions, appropriate Regulations have been made under the Ordinance. The most recent Regulation enacted was the United Nations Sanctions (Liberia) Regulation 2008, Cap. 537AI, which prohibits -

- (a) the supply, delivery and carriage of arms and related material to Liberia;
- (b) the provision of technical training or assistance related to the supply, delivery, manufacture, maintenance or use of arms and related material in certain circumstances;
- (c) the entry into or transit through the HKSAR by certain persons; and
- (d) the making available of funds, other financial assets or

economic resources to or for the benefit of certain persons and entities.

5. All provisions in Cap. 537AI, except for those related to financial sanctions (including licensing and law enforcement provisions), expired on 19 December 2008.

Resolution 1854

6. On 19 December 2008, the UNSC adopted Resolution 1854, which decided, inter alia, to renew for further 12 months (i.e., until midnight on 18 December 2009) the following sanctions -

- (a) the measures on arms imposed by paragraph 2 of Resolution 1521 (Annex E) and later modified by paragraphs 1 and 2 of Resolutions 1683 and by paragraph 1(b) of Resolution 1731 (Annexes F and G); and
- (b) the measures on travel imposed by paragraph 4 of Resolution 1521.

E

F & G

THE REGULATION

7. The Regulation at Annex A seeks to implement the sanctions renewed under Resolution 1854, and to continue the implementation of relevant measures under Resolution 1532 relating to financial sanctions against Liberia. The main provisions are –

- (a) section 1, which provides that all those provisions which relate to financial sanctions would commence on 20 March 2009;
- (b) sections 3 and 4, which prohibit the supply, delivery and carriage of arms and related material to Liberia;
- (c) section 5, which prohibits the provision of technical training or assistance related to the supply, delivery, manufacture, maintenance or use of arms and related materials to certain persons;

- (d) section 6, which prohibits making funds, other financial assets or economic resources available to or for the benefit 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 11, which provide for the granting of a licence for the supply, delivery or carriage of arms and related material; the provision of technical training or assistance related to the supply, delivery, manufacture, maintenance or use of arms and related materials to certain persons; or the making available of funds, other financial assets or economic resources to or for the benefit of certain persons or entities;
- (g) sections 14 to 23, which provide for enforcement powers;
- (h) section 31, which provides that the CE may by notice published in the Gazette specify a person or an entity referred to in the list maintained by the Committee² for the purposes of paragraph 1 of UNSC Resolution 1532 as a relevant person or a relevant entity; and
- (i) section 33, which provides that all sections, except those relating to financial sanctions, would expire at midnight on 18 December 2009.

THE REPEAL REGULATION

8. All provisions of Cap. 537AI, except those relating to financial sanctions, expired on 19 December 2008. Consequential to the making of the Regulation, which will include provisions relating to financial sanctions, there is no further need for Cap. 537AI, which should therefore be repealed.

² The Committee was established by UNSC pursuant to paragraph 21 of Resolution 1521.

IMPLICATIONS OF THE REGULATIONS

9. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The Regulation and the Repeal Regulation will not affect the binding effect of the United Nations Sanctions Ordinance. It has no financial, civil service, productivity, environmental or sustainability implications. As Liberia is not a major trading partner of Hong Kong, the arms embargo and financial sanctions against Liberia are unlikely to have any significant impact on the Hong Kong economy.

PUBLICITY

10. A press release was issued on 13 March 2009 when the Regulations were published in the Gazette.

ADVICE SOUGHT

11. Members are invited to note the implementation of UNSC Resolution 1854 by the Regulation and the Repeal Regulation.

Commerce and Economic Development Bureau
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L.N. 38 of 2009

UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2009

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UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2009

(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)

1. Commencement

Sections 6 and 11 come into operation on 20 March 2009.

PART 1**PRELIMINARY****2. Interpretation**

In this Regulation, unless the context otherwise requires—

“arms or related material” (軍火或相關的物資) includes—

- (a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and
- (b) any spare part for any item specified in paragraph (a);

“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 21 of Resolution 1521;

“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—

- (a) section 9(1)(a) or (b);
- (b) section 10(1); or
- (c) section 11(1);

“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;

“person connected with Liberia” (有關連人士) means—

- (a) the Government of Liberia;
- (b) the former President Charles Taylor or any member of the former President Charles Taylor’s Government of Liberia;
- (c) any other person in, or resident in, Liberia;
- (d) any body incorporated or constituted under the law of Liberia;
- (e) any former or current militia or armed group in Liberia;
- (f) the Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia;
- (g) 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 (c); or
 - (iii) a body or group mentioned in paragraph (d), (e) or (f); or
- (h) any person acting on behalf of—
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b) or (c); or
 - (iii) a body or group mentioned in paragraph (d), (e), (f) or (g);

“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 material;

“relevant entity” (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 31;

“relevant person” (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 31;

- “Resolution 1521” (《第 1521 號決議》) means Resolution 1521 (2003) adopted by the Security Council on 22 December 2003;
- “Resolution 1532” (《第 1532 號決議》) means Resolution 1532 (2004) adopted by the Security Council on 12 March 2004;
- “Resolution 1854” (《第 1854 號決議》) means Resolution 1854 (2008) adopted by the Security Council on 19 December 2008;
- “Security Council” (安理會) means the Security Council of the United Nations;
- “UNMIL” (特派團) means the United Nations Mission in Liberia.

PART 2

PROHIBITIONS

3. Prohibition against supply or delivery 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 or deliver, agree to supply or deliver, or do any act likely to promote the supply or delivery of, any prohibited goods—
- (a) to Liberia;
 - (b) to, or to the order of, a person connected with Liberia; or
 - (c) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.
- (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 or delivered—

- (i) to Liberia;
- (ii) to, or to the order of, a person connected with Liberia; or
- (iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

4. 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 3, 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 Liberia to a place in Liberia;
 - (b) to, or to the order of, a person connected with Liberia; or
 - (c) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.
- (3) Subsection (2) does not apply if—
 - (a) the carriage of the prohibited goods is performed in the course of the supply or delivery of the prohibited goods; and
 - (b) the supply or delivery 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;
 - (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;
 - (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 Liberia to a place in Liberia;
 - (ii) to, or to the order of, a person connected with Liberia; or
 - (iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

5. Prohibition against provision of certain technical training or assistance

- (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 10(1), a person must not provide to a person connected with Liberia any technical training or assistance related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

(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 training or assistance concerned was to be provided to a person connected with Liberia; or

(b) that the training or assistance concerned related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

6. Prohibition against making available 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 11(1), 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.

(3) The addition to an account owned or controlled, directly or indirectly, by a relevant person or a relevant entity of—

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

(b) payments due under contracts, agreements or obligations that arose prior to 12 March 2004,

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.

(4) 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.

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

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 prohibit 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 2 of Resolution 1521” (《第 1521 號決議》第 2 段) means paragraph 2 of Resolution 1521 as renewed by the Security Council by paragraph 1 of Resolution 1854;

“paragraph 4 of Resolution 1521” (《第 1521 號決議》第 4 段) means paragraph 4 of Resolution 1521 as renewed by the Security Council by paragraph 1 of Resolution 1854;

“specified person” (指明人士) means a person designated by the Committee, for the purposes of paragraph 4 of Resolution 1521, as—

- (a) a person who constitutes a threat to the peace process in Liberia or is engaged in activities aimed at undermining peace and stability in Liberia and the subregion;
- (b) a senior member of the former President Charles Taylor’s Government who retains links to the former President or a spouse of such a senior member;
- (c) a member of Liberia’s former armed forces who retains links to the former President Charles Taylor;
- (d) a person determined by the Committee to be in violation of paragraph 2 of Resolution 1521; or
- (e) an individual who provides, or an individual associated with an entity that provides, financial or military support to armed rebel groups in Liberia or in countries in the region.

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 otherwise further the objectives of the resolutions of the Security Council, that is, the creation of peace, stability and democracy in Liberia and lasting peace in the subregion.

PART 3

LICENCES

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

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant, as appropriate—
 - (a) a licence for the supply or delivery of, or the doing of an act likely to promote the supply or delivery of, prohibited goods—
 - (i) to Liberia;
 - (ii) to, or to the order of, a person connected with Liberia; or
 - (iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia; or
 - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) from a place outside Liberia to a place in Liberia;
 - (ii) to, or to the order of, a person connected with Liberia; or
 - (iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.
- (2) The requirements referred to in subsection (1) are as follows—
 - (a) the prohibited goods are—
 - (i) intended solely for the support of or use by UNMIL; or
 - (ii) intended solely for the support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee;
 - (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 Liberia 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 weapons or ammunition, as approved in advance by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003;
- (e) the prohibited goods are non-lethal military equipment, excluding non-lethal weapons and ammunition, intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003, and the Committee has been notified in advance of the supply of the goods.

10. Licence for provision of certain technical training or assistance

(1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence to provide to a person connected with Liberia technical training or assistance related to the supply, delivery, manufacture, maintenance or use of prohibited goods.

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

- (a) the technical training or assistance is related to the supply, delivery, manufacture, maintenance or use of prohibited goods that are—
 - (i) intended solely for the support of or use by UNMIL; or
 - (ii) intended solely for the support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee;
- (b) the technical training or assistance is related to the supply, delivery, manufacture, maintenance or use of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
- (c) the technical training or assistance is related to the supply, delivery, manufacture, maintenance or use of weapons or ammunition, as approved in advance by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003;

- (d) the technical training or assistance is related to the supply, delivery, manufacture, maintenance or use of non-lethal military equipment, excluding non-lethal weapons and ammunition, intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003 and the supply of which has been notified in advance to the Committee.

11. Licence for making available funds, etc. to 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 a licence for making available funds or other financial assets or economic resources to, or for the benefit of, 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;
- (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 12 March 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.

12. 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

13. 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**14. Investigation of suspected ships**

(1) If an authorized officer has reason to suspect that a ship to which section 4 applies has been, is being or is about to be used in contravention of section 4(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 4 applies is being or is about to be used in contravention of section 4(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.

15. Offences by charterer, operator or master of ship

(1) A charterer, operator or master of a ship who disobeys any direction given under section 14(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 14(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 14(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.

16. Power of authorized officers to enter and detain ships

(1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(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

17. Investigation of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which section 4 applies has been, is being or is about to be used in contravention of section 4(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.

18. 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 17(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 17(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.

19. Power of authorized officers to enter and detain aircraft

(1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(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**20. 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 4(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.

21. 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 20(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 20(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.

22. Power of authorized officers to enter and detain vehicles

(1) Without limiting section 21, if an authorized officer has reason to suspect that a request that has been made under section 20(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**23. Production of proof of identity**

Before or on exercising a power conferred by section 14, 16, 17, 19, 20 or 22, 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****24. 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.

25. Detention of documents, cargoes or articles seized

(1) Subject to subsection (2), any document, cargo or article seized under section 24(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

26. 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 Liberia 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

27. Liability of person other than principal offender

(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.

28. 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.

29. 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.

30. 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.

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

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 1 of Resolution 1532.

32. 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

33. Duration

The following provisions expire at midnight on 18 December 2009—

- (a) the definitions of “arms or related material”, “Commissioner”, “master”, “operator”, “person connected with Liberia”, “pilot in command”, “prohibited goods”, “Resolution 1854” and “UNMIL” in section 2;
- (b) paragraphs (a) and (b) of the definition of “licence” in section 2;
- (c) sections 3, 4, 5, 7, 8, 9 and 10;
- (d) Part 5.

Donald TSANG
Chief Executive

11 March 2009

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 1854 (2008) as adopted by the Security Council of the United Nations (“Security Council”) on 19 December 2008 by providing for the prohibition against—

- (a) the supply, delivery or carriage of arms or related material (“prohibited goods”) to Liberia;

- (b) the provision of technical training or assistance related to the provision, manufacture, maintenance or use of the prohibited goods in certain circumstances; and
- (c) entry into or transit through the HKSAR by certain persons.

2. The Regulation also continues to give effect to a decision of the Security Council in Resolution 1532 (2004) by providing for the prohibition against making available to, or for the benefit of, certain persons and entities any funds or other financial assets or economic resources.

L.N. 39 of 2009

**UNITED NATIONS SANCTIONS (LIBERIA)
REGULATION 2008 (REPEAL)
REGULATION**

(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)

1. Commencement

This Regulation comes into operation on 20 March 2009.

2. Repeal

The United Nations Sanctions (Liberia) Regulation 2008 (Cap. 537 sub. leg. AI) is repealed.

Donald TSANG
Chief Executive

11 March 2009

Explanatory Note

This Regulation repeals the United Nations Sanctions (Liberia) Regulation 2008 (Cap. 537 sub. leg. AI), upon the making of the United Nations Sanctions (Liberia) Regulation 2009 (“the new Regulation”).

2. The new Regulation is a consolidated instrument which gives effect to certain decisions of the Security Council of the United Nations (“Security Council”) in Resolution 1854 (2008) and continues to give effect to a decision of the Security Council in Resolution 1532 (2004).

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Liberia) Regulation 2009

**United Nations Sanctions (Liberia) Regulation 2008
(Repeal) Regulation**

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 January 2009 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 1854 of the Security Council of the United Nations, and that the United Nations Sanctions (Liberia) Regulation 2009 and the United Nations Sanctions (Liberia) 2008 (Repeal) Regulation were made in pursuance of that instruction.

Dated this 10th day of March 2009

A handwritten signature in black ink, appearing to read 'Henry Tang', is written over a horizontal line.

(Henry Tang)
Chief Secretary for Administration

**Security Council**Distr.: General
12 March 2004

Resolution 1532 (2004)**Adopted by the Security Council at its 4925th meeting,
on 12 March 2004***The Security Council,*

Recalling its resolution 1521 (2003) of 22 December 2003, and its other previous resolutions and statements by its President on the situation in Liberia and West Africa,

Noting with concern that the actions and policies of former Liberian President Charles Taylor and other persons, in particular their depletion of Liberian resources, and their removal from Liberia and secreting of Liberian funds and property from that country, have undermined Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources,

Recognizing the negative impact on Liberia of the transfer abroad of misappropriated funds and assets and the need for the international community to ensure as soon as possible, in accordance with paragraph 6 below, the return of such funds and assets to Liberia,

Also expressing concern that former President Taylor, in collaboration with others still closely associated with him, continues to exercise control over and to have access to such misappropriated funds and property, with which he and his associates are able to engage in activities that undermine peace and stability in Liberia and the region,

Determining that this situation constitutes a threat to international peace and security in West Africa, in particular to the peace process in Liberia,

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

1. *Decides* that, to prevent former Liberian President Charles Taylor, his immediate family members, in particular Jewell Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established by paragraph 21 of resolution 1521 (2003) (hereinafter, "the Committee") from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the sub-region, all States in which there are, at the date of adoption of this resolution or at any time thereafter, funds, other financial assets and economic resources owned or controlled

directly or indirectly by Charles Taylor, Jewell Howard Taylor, and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources, and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons;

2. *Decides* that the provisions of paragraph 1 above do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant State(s) 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 for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State(s) to the Committee 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 State(s) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee; or

(c) have been determined by relevant State(s) to be the 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 1 above or an individual or entity identified by the Committee; and has been notified by the relevant State(s) to the Committee;

3. *Decides* that all States may allow for the addition to accounts subject to the provisions of paragraph 1 above of:

(a) interest or other earnings due on those accounts; and

(b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of paragraph 1 above;

provided that any such interest, other earnings and payments continue to be subject to those provisions;

4. *Further decides* that the Committee shall:

(a) identify individuals and entities of the types described in paragraph 1 above, and promptly circulate to all States a list of said individuals and entities, including by posting such a list on the Committee's web site;

(b) maintain and regularly update and review every six months the list of those individuals and entities identified by the Committee as being subject to the measures set forth in paragraph 1 above;

(c) assist States, where necessary, in tracing and freezing the funds, other financial assets and economic resources of such individuals and entities;

(d) seek from all States information regarding the actions taken by them to trace and freeze such funds, other financial assets and economic resources;

5. *Decides* to review the measures imposed in paragraph 1 above at least once a year, the first review taking place by December 22, 2004 in conjunction with its review of the measures imposed in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and to determine at that time what further action is appropriate;

6. *Expresses* its intention to consider whether and how to make available the funds, other financial assets and economic resources frozen pursuant to paragraph 1 above to the Government of Liberia, once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia;

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

**Security Council**Distr.: General
22 December 2003

Resolution 1521 (2003)**Adopted by the Security Council at its 4890th meeting, on
22 December 2003***The Security Council,**Recalling* its previous resolutions and statements by its President on the situation in Liberia and West Africa,*Taking note* of the reports of the United Nations Panel of Experts on Liberia dated 7 August 2003 (S/2003/779) and 28 October 2003 (S/2003/937 and S/2003/937/Add.1) submitted pursuant to resolution 1478 (2003),*Expressing serious concern* at the findings of the Panel of Experts that the measures imposed by resolution 1343 (2001) continue to be breached, particularly through the acquisition of arms,*Welcoming* the Comprehensive Peace Agreement signed by the former Government of Liberia, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) on 18 August 2003 in Accra, and that the National Transitional Government of Liberia under Chairman Gyude Bryant took office on 14 October 2003,*Calling upon* all States in the region, particularly the National Transitional Government of Liberia, to work together to build lasting regional peace, including through the Economic Community of West African States (ECOWAS), the International Contact Group on Liberia, the Mano River Union and the Rabat Process,*Noting with concern*, however, that the ceasefire and the Comprehensive Peace Agreement are not yet being universally implemented throughout Liberia, and that much of the country remains outside the authority of the National Transitional Government of Liberia, particularly those areas to which the United Nations Mission in Liberia (UNMIL) has not yet deployed,*Recognizing* the linkage between the illegal exploitation of natural resources such as diamonds and timber, illicit trade in such resources, and the proliferation and trafficking of illegal arms as a major source of fuelling and exacerbating conflicts in West Africa, particularly in Liberia,*Determining* that the situation in Liberia and the proliferation of arms and armed non-State actors, including mercenaries, in the subregion continue to

constitute a threat to international peace and security in West Africa, in particular to the peace process in Liberia,

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

A

Recalling its resolutions 1343 (2001) of 7 March 2001, 1408 (2002) of 6 May 2002, 1478 (2003) of 6 May 2003, 1497 (2003) of 1 August 2003, and 1509 (2003) of 19 September 2003,

Noting that the changed circumstances in Liberia, in particular the departure of former President Charles Taylor and the formation of the National Transitional Government of Liberia, and progress with the peace process in Sierra Leone, require the Council's determination for action under Chapter VII to be revised to reflect these altered circumstances,

1. *Decides* to terminate the prohibitions imposed by paragraphs 5, 6, and 7 of resolution 1343 (2001) and paragraphs 17 and 28 of resolution 1478 (2003) and to dissolve the committee established under resolution 1343 (2001);

B

2. (a) *Decides* that all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territories;

(b) *Decides* that all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items in subparagraph (a) above;

(c) *Reaffirms* that the measures in subparagraphs (a) and (b) above apply to all sales or supply of arms and related materiel destined for any recipient in Liberia, including all non-State actors, such as LURD and MODEL, and to all former and current militias and armed groups;

(d) *Decides* that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by UNMIL;

(e) *Decides* that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee established by paragraph 21 below ("the Committee");

(f) *Decides* that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;

(g) *Affirms* that the measures imposed by subparagraph (a) above do not apply to protective clothing, including flak jackets and military helmets, temporarily

exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

3. *Demands* that all States in West Africa take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any action that might contribute to further destabilization of the situation in the subregion;

4. (a) *Decides also* that all States shall take the necessary measures to prevent the entry into or transit through their territories of all such individuals, as designated by the Committee, who constitute a threat to the peace process in Liberia, or who are engaged in activities aimed at undermining peace and stability in Liberia and the subregion, including those senior members of former President Charles Taylor's Government and their spouses and members of Liberia's former armed forces who retain links to former President Charles Taylor, those individuals determined by the Committee to be in violation of paragraph 2 above, and any other individuals, or individuals associated with entities, providing financial or military support to armed rebel groups in Liberia or in countries in the region, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

(b) *Decides* that the measures in paragraph 4 (a) above shall continue to apply to the individuals already designated pursuant to paragraph 7 (a) of resolution 1343 (2001), pending the designation of individuals by the Committee as required by and in accordance with paragraph 4 (a) above;

(c) *Decides* that the measures imposed by subparagraph 4 (a) above shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the Council's resolutions, for the creation of peace, stability and democracy in Liberia and lasting peace in the subregion;

5. *Expresses* its readiness to terminate the measures imposed by paragraphs 2 (a) and (b) and 4 (a) above when the Council determines that the ceasefire in Liberia is being fully respected and maintained, disarmament, demobilization, reintegration, repatriation and restructuring of the security sector have been completed, the provisions of the Comprehensive Peace Agreement are being fully implemented, and significant progress has been made in establishing and maintaining stability in Liberia and the subregion;

6. *Decides* that all States shall take the necessary measures to prevent the direct or indirect import of all rough diamonds from Liberia to their territory, whether or not such diamonds originated in Liberia;

7. *Calls upon* the National Transitional Government of Liberia to take urgent steps to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable with a view to joining the Kimberley Process, and to provide the Committee with a detailed description of the proposed regime;

8. *Expresses* its readiness to terminate the measures referred to in paragraph 6 above when the Committee, taking into account expert advice, decides that Liberia

has established a transparent, effective and internationally verifiable Certificate of Origin regime for Liberian rough diamonds;

9. *Encourages* the National Transitional Government of Liberia to take steps to join the Kimberley Process as soon as possible;

10. *Decides* that all States shall take the necessary measures to prevent the import into their territories of all round logs and timber products originating in Liberia;

11. *Urges* the National Transitional Government of Liberia to establish its full authority and control over the timber producing areas, and to take all necessary steps to ensure that government revenues from the Liberian timber industry are not used to fuel conflict or otherwise in violation of the Council's resolutions but are used for legitimate purposes for the benefit of the Liberian people, including development;

12. *Expresses* its readiness to terminate the measures imposed by paragraph 10 above once the Council determines that the goals in paragraph 11 above have been achieved;

13. *Encourages* the National Transitional Government of Liberia to establish oversight mechanisms for the timber industry that will promote responsible business practices, and to establish transparent accounting and auditing mechanisms to ensure that all government revenues, including those from the Liberian International Ship and Corporate Registry, are not used to fuel conflict or otherwise in violation of the Council's resolutions but are used for legitimate purposes for the benefit of the Liberian people, including development;

14. *Urges* all parties to the Comprehensive Peace Agreement of 18 August 2003 to implement fully their commitments and fulfil their responsibilities in the National Transitional Government of Liberia, and not to hinder the restoration of the Government's authority throughout the country, particularly over natural resources;

15. *Calls upon* States, relevant international organizations and others in a position to do so to offer assistance to the National Transitional Government of Liberia in achieving the objectives in paragraphs 7, 11 and 13 above, including the promotion of responsible and environmentally sustainable business practices in the timber industry, and to offer assistance with the implementation of the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa adopted in Abuja on 31 October 1998 (S/1998/1194, annex);

16. *Encourages* the United Nations and other donors to assist the Liberian civil aviation authorities, including through technical assistance, in improving the professionalism of their staff and their training capabilities and in complying with the standards and practices of the International Civil Aviation Organization;

17. *Takes note* of the establishment by the National Transitional Government of Liberia of a review committee with the task of establishing procedures to fulfil the demands of the Security Council for the lifting of the measures imposed under this resolution;

18. *Decides* that the measures in paragraphs 2, 4, 6 and 10 above are established for 12 months from the date of adoption of this resolution, unless

otherwise decided, and that, at the end of this period, the Council will review the position, assess progress towards the goals in paragraphs 5, 7, and 11 and decide accordingly whether to continue these measures;

19. *Decides* to review the measures in paragraphs 2, 4, 6 and 10 above by 17 June 2004, to assess progress towards the goals in paragraphs 5, 7, and 11 and decide accordingly whether to terminate these measures;

20. *Decides* to keep under regular review the measures imposed by paragraphs 6 and 10 above, so as to terminate them as soon as possible once the conditions in paragraphs 7 and 11 have been met, in order to create revenue for the reconstruction and development of Liberia;

21. *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, to undertake the following tasks:

(a) to monitor the implementation of the measures in paragraphs 2, 4, 6 and 10 above, taking into consideration the reports of the expert panel established by paragraph 22 below;

(b) to seek from all States, particularly those in the subregion, information about the actions taken by them to implement effectively those measures;

(c) to consider and decide upon requests for the exemptions set out in paragraphs 2 (e), 2 (f) and 4 (c) above;

(d) to designate the individuals subject to the measures imposed by paragraph 4 above and to update this list regularly;

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

(f) to consider and take appropriate action, within the framework of this resolution, on pending issues or concerns brought to its attention concerning the measures imposed by resolutions 1343 (2001), 1408 (2002) and 1478 (2003) while those resolutions were in force;

(g) to report to the Council with its observations and recommendations;

22. *Requests* the Secretary-General to establish, within one month from the date of adoption of this resolution, in consultation with the Committee, for a period of five months, a Panel of Experts consisting of up to five members, with the range of expertise necessary to fulfil the Panel's mandate described in this paragraph, drawing as much as possible on the expertise of the members of the Panel of Experts established pursuant to resolution 1478 (2003), to undertake the following tasks:

(a) to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures referred to in paragraphs 2, 4, 6 and 10 above, including any violations involving rebel movements and neighbouring countries, and including any information relevant to the Committee's designation of the individuals described in paragraph 4 (a) above, and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) to assess the progress made towards the goals described in paragraphs 5, 7 and 11 above;

(c) to report to the Council through the Committee no later than 30 May 2004 with observations and recommendations, including, inter alia, how to minimize any humanitarian and socio-economic impact of the measures imposed by paragraph 10 above;

23. *Welcomes* UNMIL's readiness, within its capabilities, its areas of deployment and without prejudice to its mandate, once it is fully deployed and carrying out its core functions, to assist the Committee established by paragraph 21 above and the Panel of Experts established by paragraph 22 above in monitoring the measures in paragraphs 2, 4, 6 and 10 above, and requests the United Nations Mission in Sierra Leone and the United Nations Mission in Côte d'Ivoire, likewise without prejudicing their capacities to carry out their respective mandates, to assist the Committee and the Panel of Experts by passing to the Committee and the Panel any information relevant to the implementation of the measures in paragraphs 2, 4, 6 and 10, in the context of enhanced coordination among United Nations missions and offices in West Africa;

24. *Reiterates* its call on the international donor community to provide assistance for the implementation of a programme of disarmament, demobilization, reintegration and repatriation, and sustained international assistance to the peace process, and to contribute generously to consolidated humanitarian appeals, and further requests the donor community to respond to the immediate financial, administrative and technical needs of the National Transitional Government of Liberia;

25. *Encourages* the National Transitional Government of Liberia to undertake, with the assistance of UNMIL, appropriate actions to sensitize the Liberian population to the rationale of the measures in this resolution, including the criteria for their termination;

26. *Requests* the Secretary-General to submit a report to the Council by 30 May 2004, drawing on information from all relevant sources, including the National Transitional Government of Liberia, UNMIL and ECOWAS, on progress made towards the goals described in paragraphs 5, 7 and 11 above;

27. *Decides* to remain seized of the matter.

**Security Council**

Distr.: General
13 June 2006

Resolution 1683 (2006)

**Adopted by the Security Council at its 5454th meeting, on
13 June 2006**

The Security Council,

Recalling its previous resolutions and statements by its president on the situation in Liberia and West Africa,

Welcoming the leadership of newly elected President Ellen Johnson Sirleaf and her efforts to restore peace, security and harmony throughout Liberia,

Underscoring the continuing need for the United Nations Mission in Liberia (UNMIL) to support the Government of Liberia in building a stable environment that will allow democracy to flourish,

Recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, including policing, intelligence gathering, and executive protection,

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

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

1. *Decides* that the measures imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to the weapons and ammunition already provided to members of the Special Security Service (SSS) for training purposes pursuant to advance approval under paragraph 2 (e) by the Committee established by paragraph 21 of that resolution and that those weapons and ammunition may remain in the custody of the SSS for unencumbered operational use;

2. *Further decides* that the measures imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to limited supplies of weapons and ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003;

3. *Decides* that a request made in accordance with paragraph 2 shall be submitted to the Committee by the Government of Liberia and the exporting state,



and, in case of approval, the Government of Liberia shall subsequently mark the weapons and ammunition, maintain a registry of them, and formally notify the Committee that these steps have been taken;

4. *Reiterates* the importance of UNMIL's continuing assistance to the Government of Liberia, the Committee established by paragraph 21 of resolution 1521 (2003) and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, including in monitoring the implementation of the measures in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and in this regard requests UNMIL to inspect inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 above to ensure all such weapons and ammunition are accounted for, and to make periodic reports to the Committee established by paragraph 21 of resolution 1521 (2003) on its findings;

5. *Decides* to remain seized of the matter.

**Security Council**

Distr.: General
20 December 2006

Resolution 1731 (2006)

**Adopted by the Security Council at its 5602nd meeting, on
20 December 2006**

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights,

Welcoming the Government of Liberia's continuing cooperation with the Kimberley Process Certification Scheme and noting Liberia's progress towards putting in place the necessary internal controls and other requirements in order to satisfy the minimum requirements of the Kimberley Process,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security through Liberia and helping the new Government establish its authority throughout the country, particularly in the diamond and timber-producing regions, and border areas,

Recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, and taking note of the need for Liberian armed forces to procure humanitarian, medical and/or training equipment,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 20 December 2006 (S/2006/976), including on the issues of diamonds, timber, rubber, and arms,

Having reviewed the measures imposed by paragraphs 2, 4, and 6 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraphs 5 and 7 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,



Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

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

1. *Decides*, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of this resolution;

(b) That the measures on arms imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to supplies of non-lethal military equipment, excluding non-lethal weapons and ammunition, as notified in advance to the Committee established by paragraph 21 of resolution 1521 (2003), intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003;

(c) To renew the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) and renewed by paragraph 4 of resolution 1689 (2006) for an additional six (6) months with a review by the Council after four (4) months, to allow the Government of Liberia sufficient time to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process, and calls upon the Government of Liberia to provide the Sanctions Committee, established according to paragraph 21 of resolution 1521 (2003) with a detailed description of the proposed regime;

(d) To review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

2. *Notes* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force and reconfirms its intention to review these measures at least once a year;

3. *Encourages* the Government of Liberia to benefit from UNMIL's offer to provide joint patrols with the Forestry Development Authority with a view to strengthening Government control in forestry areas;

4. *Decides* to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 5 of resolution 1689 (2006) for a further period until 20 June 2007 to undertake the following tasks:

(a) To conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraphs 1 and 2 above, including any information relevant to the designation by

the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson-Sirleaf on 5 October 2006 and the progress and humanitarian and socio-economic impact of the measures imposed by paragraphs 2, 4 and 6 of resolution 1521 (2003) and renewed in paragraph 1 of resolution 1647 (2005);

(d) To report to the Council through the Committee by 6 June 2007 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before that date, especially on progress towards meeting the conditions for lifting the measures imposed by paragraph 6 of resolution 1521 (2003) and on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006;

(e) To cooperate with other relevant groups of experts, in particular that established on Côte d'Ivoire by resolution 1708 (2006) of 14 September 2006, and with the Kimberley Process Certification Scheme;

(f) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

5. *Requests* the Secretary-General to take the necessary measures, in this exceptional instance, to re-appoint the current members of the Panel of Experts as referred to in his letter to the President of the Security Council dated 27 June 2006 (S/2006/438) and to make the necessary financial and security arrangements to support the work of the Panel;

6. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

7. *Encourages* the Kimberley Process to inform, as appropriate, the Security Council through its Committee about any possible follow-up visit to Liberia and its assessment of progress made by the Liberian Government towards joining the Kimberley Process Certification Scheme;

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