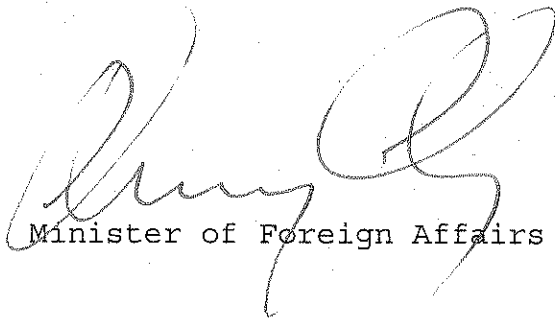


## In Executive Council

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*His Excellency the Governor-General is Recommended to*

sign the attached Order in Council making the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2009.



Minister of Foreign Affairs

*Approved in Council*

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*Rebecca Kitteridge*  
Clerk of the Executive Council

**United Nations Sanctions  
(Democratic People's Republic of  
Korea) Amendment Regulations  
2009**



Governor-General

**Order in Council**

At Wellington this 10<sup>th</sup> day of August 2009

Present:  
His Excellency The Governor General in Council

Pursuant to section 2 of the United Nations Act 1946, His Excellency the Governor-General, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to resolution 1874 (2009) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 12 June 2009, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of the Democratic People's Republic of Korea the measures set out in that resolution,—

makes the following regulations.

**United Nations Sanctions (Democratic  
People's Republic of Korea) Amendment  
Regulations 2009**

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**Contents**

	Page
1 Title	2
2 Commencement	2
3 Principal regulations amended	2
4 Interpretation	2
5 Importation of specified goods from DPRK prohibited	4
6 Procurement of specified goods from DPRK prohibited	4
7 Carriage of specified goods to or from DPRK prohibited	4
8 Provision to or from DPRK of advice, assistance, services, etc, of specified kind prohibited	4
9 New regulations 14A and 14B inserted	4
14A Conduct of financial transactions of specified kind prohibited	5
14B Provision of bunkering services to DPRK vessels prohibited	5
10 Exceptions to regulations 15 and 16	6
11 New regulation 18 substituted	6
18 Preconditions to consent	6

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**Regulations**

- 1 Title**  
These regulations are the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2009.
- 2 Commencement**  
These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Principal regulations amended**  
These regulations amend the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2006.
- 4 Interpretation**
  - (1) The definition of **Committee** in regulation 3(1) is amended by omitting "the resolution" and substituting "resolution 1718".

- (2) The definition of **designated person** in regulation 3(1) is amended by omitting “the resolution” in each place where it appears and substituting in each case “resolution 1718”.
- (3) The definition of **military equipment** in regulation 3(1) is amended by omitting “the resolution” and substituting “resolution 1718”.
- (4) Regulation 3(1) is amended by revoking the definition of **resolution** and substituting the following definitions:  
“**resolution 1718** means resolution 1718 (2006) of the Security Council of the United Nations  
“**resolution 1874** means resolution 1874 (2009) of the Security Council of the United Nations”.
- (5) The definition of **specified goods** in regulation 3(1) is amended by revoking paragraph (a) and substituting the following paragraph:  
“(a) arms; or”.
- (6) The definition of **WMD and ballistic missile-related goods** in regulation 3(1) is amended by revoking paragraph (a) and substituting the following paragraph:  
“(a) set out in the provisions of the lists in the following documents:  
“(i) S/2006/814:  
“(ii) S/2006/815:  
“(iii) S/2006/853:  
“(iv) S/2006/853/CORR.1:  
“(v) S/2009/205:  
“(vi) INFCIRC/254/Rev.9/Part 1a:  
“(vii) INFCIRC/254/Rev.7/Part 2a; or”.
- (7) Paragraph (b)(ii) of the definition of **WMD and ballistic missile-related goods** in regulation 3(1) is amended by omitting “the resolution” and substituting “resolution 1718”.
- (8) Regulation 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:  
“**arms** includes—  
“(a) related materiel of all types (for example, weapons and ammunition); and  
“(b) spare parts for any arms, or for any goods specified in paragraph (a); and

United Nations Sanctions (Democratic  
People's Republic of Korea) Amendment  
Regulations 2009

r 5

“(c) military equipment, as defined in these regulations

“**bunkering service**, for a vessel, includes—

“(a) the provision of fuel to the vessel; and

“(b) the provision of supplies to the vessel; and

“(c) other servicing of the vessel

“**DPRK vessel** means a vessel registered in the DPRK or owned or controlled by the DPRK”.

(9) Regulation 3(3) is amended by inserting the following paragraphs after paragraph (d):

“(da) a list of the names of all or any of the goods referred to in paragraph (a) of the definition (in subclause (1)) of WMD and ballistic missile-related goods:

“(db) any additions to, or deletions from, the list referred to in paragraph (da):”.

**5 Importation of specified goods from DPRK prohibited**

Regulation 4(1) is amended by revoking paragraph (a) and substituting the following paragraph:

“(a) arms; or”.

**6 Procurement of specified goods from DPRK prohibited**

Regulation 11(1) is amended by revoking paragraph (a) and substituting the following paragraph:

“(a) arms; or”.

**7 Carriage of specified goods to or from DPRK prohibited**

Regulation 12(1)(b) is amended by omitting “military equipment” and substituting “arms”.

**8 Provision to or from DPRK of advice, assistance, services, etc, of specified kind prohibited**

Regulation 14(4) is amended by revoking paragraph (a) and substituting the following paragraph:

“(a) arms; and”.

**9 New regulations 14A and 14B inserted**

The following regulations are inserted after regulation 14:

**“14A Conduct of financial transactions of specified kind  
prohibited**

- “(1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may conduct a financial transaction of the specified kind with or for—
- “(a) any person in DPRK; or
  - “(b) a national of DPRK outside DPRK; or
  - “(c) any entity owned or controlled by DPRK; or
  - “(d) any person or entity acting on behalf, or at the direction, of DPRK or an entity owned or controlled by DPRK.
- “(2) For the purposes of subclause (1), a person conducts a financial transaction if he or she—
- “(a) is a party to the transaction; or
  - “(b) procures the transaction; or
  - “(c) supplies or provides any financial or related services that facilitate the transaction.
- “(3) Subclause (1) does not apply if the Minister has consented to the conduct of that financial transaction of the specified kind.
- “(4) Financial transactions are of the specified kind for the purposes of subclauses (1) and (3) if they are related to the provision, manufacture, maintenance, or use of specified goods that are—
- “(a) arms; or
  - “(b) WMD and ballistic missile-related goods.

**“14B Provision of bunkering services to DPRK vessels  
prohibited**

- “(1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may engage in conduct that assists or results in the provision of bunkering services to a DPRK vessel.
- “(2) Subclause (1) does not apply if—
- “(a) that provision of bunkering services is necessary to facilitate the inspection of the vessel's cargo or the seizure or disposal of any specified goods on the vessel; or
  - “(b) that provision of bunkering services is necessary for humanitarian purposes; or
  - “(c) the Minister has consented to that provision of bunkering services.”

United Nations Sanctions (Democratic  
People's Republic of Korea) Amendment  
Regulations 2009

r 10

**10 Exceptions to regulations 15 and 16**

Regulation 16A(2) is amended by omitting “the resolution” in each place where it appears and substituting in each case “resolution 1718”.

**11 New regulation 18 substituted**

Regulation 18 is revoked and the following regulation substituted:

**“18 Preconditions to consent**

Before consenting to an activity under regulation 4(2), 5(2), 10(2), 11(3), 14(3), 14A(3), 14B(2)(c), or 16A(2), the Minister must be satisfied that the activity—

“(a) is not inconsistent with the measures set out in paragraph 8 of resolution 1718 (as extended by paragraphs 9 and 10 of resolution 1874); or

“(b) is, under paragraph 9 of resolution 1718 or paragraph 9, 10, or 17 of resolution 1874, as the case may be, an activity to which those measures do not apply.”

  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, are made under the United Nations Act 1946. The regulations amend the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2006 to—

- extend the existing embargo relating to military equipment to arms generally; and
- extend the definition of WMD and ballistic missile-related goods to include recently published lists of such items; and
- prohibit the conduct of financial transactions of a specified kind; and

**United Nations Sanctions (Democratic  
People's Republic of Korea) Amendment  
Regulations 2009**

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- prohibit the provision of bunkering services to DPRK vessels;  
and
- update the preconditions to ministerial consent for otherwise prohibited activities.

These measures are required by resolution 1874 (2009) of the Security Council of the United Nations.

These regulations also make a number of consequential and technical amendments.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*:

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

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