Australian Customs Notice 1996 11

**SUSPENSION OF UNITED NATIONS SECURITY COUNCIL SANCTIONS AGAINST THE COUNTRIES OF THE FORMER YUGOSLAVIA - AMENDMENTS TO CUSTOMS (PROHIBITED IMPORTS) REGULATIONS AND CUSTOMS (PROHIBITED EXPORTS) REGULATIONS BACKGROUND**

# BACKGROUND

Australian Customs Notice (ACN) No. 92/94 dated 5 June 1992, advised of amendments to the Customs (Prohibited Imports) Regulations and the Customs (Prohibited Exports) Regulations to implement United Nations Security Council (UNSC) Resolution 757 of 30 May 1992, imposing economic and trade sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY). Customs (Prohibited Imports) Regulation 4QB and Customs (Prohibited Exports) Regulation 13CC were inserted as a result of this UN decision.

In May 1993, both the Customs (Prohibited Imports) and the Customs (Prohibited Exports) Regulations were further amended to extend the sanctions to the Republic of Bosnia and Herzegovina and the Republic of Croatia in accordance with UNSC Resolution 820 of 17 April 1993. As a result of this UN decision, Regulation 4QC Customs (Prohibited Imports) and Customs (Prohibited Exports) Regulation 13CD were inserted. ACN No. 93/81 of 13 May 1993 refers.

Regulations 4QB and 4QC of the Customs (Prohibited Imports) Regulations prohibit the importation of all goods from, or originating in, the FRY or the Republic of Bosnia and Herzegovina, and the Republic of Croatia without the permission of the Minister for Foreign Affairs or an authorised person. Similarly, regulations 13CC and 13CD of the Customs (Prohibited Exports) Regulations prohibit the exportation of all goods the immediate or final destination of which is, or is intended to be, any of those Republics without the permission of the Minister for Foreign Affairs or an authorised person.

In December 1995, in accordance with UNSC Resolution 1022 of 22 November 1995, the existing sanctions were suspended, except insofar as they related to the Bosnian Serb party and any funds or assets of the FRY previously frozen or impounded within Australia.

As this resolution was a "suspension" rather than a "termination" of the earlier sanctions, which did not apply to certain parties, the measure was implemented in the form of general permissions rather than amendment to the Customs Prohibited Imports and Exports Regulations.

Australian laws implementing sanctions against the FRY continue to apply to the assets and funds within Australia that are owned or controlled by the FRY or a public utility owned by the FRY. These laws remain in force pending resolution among the successor states of the issue of succession to the property of the former Socialist Federal Republic of Yugoslavia.

On 29 February 1996, the Department of Foreign Affairs and Trade advised the Australian Customs Service that the Secretary-General of NATO had advised the Secretary General of the United Nations that the Bosnian Serb forces had withdrawn from the zones of separation set out in the Dayton Peace Agreement, thereby satisfying the requirements of UNSC Resolution 1022 for suspension of the remaining sanctions against the Bosnian Serb party.

# GENERAL EFFECT ON IMPORTS/EXPORTS

The net effect of this latest suspension is as follows:

# the removal of all UN directed Customs import controls against the relevant Republics; and

**the retention of Australian laws implementing sanctions on the exportation from Australia, of goods owned or controlled, directly or indirectly, by FRY or a public utility of FRY. Such exportations are prohibited without the permission of the Minister for Foreign Affairs or an authorised person.**

To comply with the UN Resolution 1022, the Customs (Prohibited Imports) Regulations and the Customs (Prohibited Exports) Regulations were amended by Statutory Rules 1996 No. 31 and Statutory Rules 1996 No. 32 respectively. The changes were notified in Gazette No. S103 of 22 March 1996.

# EXPORT EMBARGO ON ARMS

By way of United Nations Security Council Resolution 1021, of 22 November 1995, the United Nations also resolved to the incremental phasing out of the arms embargos imposed on all parts of the former Yugoslavia. All exports of arms to any of the above Republics must still be referred to the Department of Defence to obtain permission to export. The Department of Foreign Affairs and Trade will advise the ACS of changes in the status of the current embargo.

# FURTHER ENQUIRIES

Any enquiries regarding these controls should be directed to the Department of Foreign Affairs and Trade, Central Europe Section, Canberra on (06) 2612183 or (06) 2613659.

L B WOODWARD

Chief Executive Officer CANBERRA

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