A.L. 38 ta' l-2005

ATT DWAR POTERI LI JSIRU REGOLAMENTI FL-INTERESS NAZZJONALI (KAP. 365)

Regolamenti ta' l-2005 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tal-Kosta ta' l-Avorju

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 3 ta' l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

Titolu u applikabilità.

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2005 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tal-Kosta ta' l-Avorju.

(2) Minbarra d-disposizzjonijiet l-oħra ta' dawn ir-regolamenti –

(a) ir-regolament 4 japplika sal-15 ta' Diċembru, 2005; u

(b) ir-regolamenti 5 u 6 japplika sal-15 ta' Novembru, 2005.

Tifsir.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort' oħra -

"l-Att" tfisser l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali;

"Kosta ta' l-Avorju" hu l-istat ta' Côte d'Ivoire;

"kull Ftehim" tfisser il-Ftehim ta' Linas-Marcoussis iffirmat mill-forzi politici tal-Kosta ta' l-Avorju f'Linas-Marcoussis fl-24 ta' Jannar, 2003, u l-Ftehim III ta' Accra ffirmat f'Accra fit-30 ta' Lulju, 2004;

"il-Kumitat" tfisser il-Kumitat tal-Kunsill tas-Sigurtà tan-Nazzjonijiet Uniti li jikkonsisti fil-membri kollha ta' dak il-Kunsill li jwettqu l-ħidmiet kollha stabbiliti fil-paragrafu 14 tar-Riżoluzzjoni;

"ir-Riżoluzzjoni" tfisser ir-Riżoluzzjoni msemmija fir-regolament 3 ta' dawn ir-regolamenti;

"UNOCI" tfisser United Nations Operation in Côte d'Ivoire, Operazzjoni tan-Nazzjonijiet Uniti fil-Kosta ta' l-Avorju.

Test tar-Riżoluzzjoni 1572 (2004).

3. Għall-fini ta' l-artikolu 3 (4) ta' l-Att, Riżoluzzjoni numru 1572 (2004) adottata mill-Kunsill tas-Sigurtà tan-Nazzjonijiet Uniti fil-15 ta' Novembru, 2004 qegħda tiġi pubblikata fl-ilsien Ingliż fl-Iskeda li tinsab ma' dawn ir-regolamenti.

Projbizzjoni ta' provvista ta' materjal militari.

4. (1) Il-provvista, bejgħ jew trasferiment dirett jew indirett lejn il-Kosta ta' l-Avorju, minn Malta jew minn ċittadini ta' Malta, jew billi jintużaw bastimenti jew inġenji ta' l-ajru li jtajru l-bandiera ta' Malta, ta' armi jew xi materjal relatat, partikolarment inġenji ta' l-ajru militari u tagħmir, sew jekk dawn joriġinaw minn Malta sew jekk le, u l-għoti ta' kull għajnuna, parir jew ta'riġ relatat ma' attivitajiet militari, huma projbiti.

(2) Il-miżuri imposti bis-subregolament (1) ta' dan ir-regolament ma għandhomx japplikaw għal:-

(a) provvisti u għajnuna teknika intiżi biss għas-sostenn ta' jew użu minn UNOCI u l-forzi Franċiżi li jappoġġawhom;

(b) provvisti ta' tagħmir militari mhux letali intiż biss għal użu umanitarju jew protettiv, u għajnuna teknika u ta'riġ relatati, kif approvati minn qabel mill-Kumitat;

(c) provvisti ta' lbies protettiv, inklużi ġgieget flak u elmi militari, temporanjament esportati lejn il-Kosta ta' l-Avorju minn personnel tan-Nazzjonijiet Uniti, rappreżentanti tal-media u 'addiema umanitarji u għall-iżvilupp u personnel assoċjat, għall-użu personali tagħhom biss;

(d) provvisti temporanjament esportati lejn il-Kosta ta' l-Avorju lill-forzi ta' Stat li jkun qiegħed jaġixxi, skond id-dritt internazzjonali, biss u direttament sabiex jiffaċilita l-evakwazzjoni taċ-ċittadini tiegħu u dawk li jkollhu responsabbiltà konsolari għalihom fil-Kosta ta' l-Avorju, kif avżat minn qabel lill-Kumitat;

(e) provvisti ta' armi u materjal relatat u taħriġ u għajnuna tekniċi intiżi biss għas-sostenn ta' jew użu fil-proċess ta' ristrutturazzjoni tad-difiża u tal-forzi tas-sigurtà konformement ma' kull Ftehim, kif approvati minn qabel mill-Kumitat.

Dhul f'Malta jew passaġġ ta' min jikser id-drittijiet tal-bniedem, eċċ.

5. Ebda persuna msemmija mill-Kumitat bħala li -

(a) hi ta' theddida għall-paċi u għall-proċess ta' rikonċiljazzjoni nazzjonali fil-Kosta ta' l-Avorju, partikolarment dawk il-persuni li jostakolaw l-implimentazzjoni ta' kull Ftehim;

(b) tkun responsabbli għal kontravvenzjonijiet gravi tad-drittijiet tal-bniedem u tad-dritt umanitarju internazzjonali fil-Kosta ta' l-Avorju abbażi ta' informazzjoni rilevanti;

(c) pubblikament ixxewwex għall-mibegħda u l-vjolenza; jew

(d) tikser il-miżuri imposti bir-regolament 4 ta' dawn ir-regolamenti,

ma tista' tidħol f'Malta jew tgħaddi minn Malta:

Iżda xejn f'dan is-subregolament ma jobbliga lil Malta li ma tħallix ċittadini tagħha jidħlu fil-pajjiż.

(2) Il-miżuri imposti bis-subregolament (1) ta' dan ir-regolament ma għandhomx japplikaw meta l-Kumitat jistabbilixxi li dak l-ivvjaġġar ikun ġustifikat minħabba f' xi esiġenza umanitarja, inkluża xi obbligazzjoni reliġjuża, jew meta l-Kumitat jiddeċiedi li xi eżenzjoni tkun tippromwovi l-objettivi tar-Riżoluzzjonijiet tal-Kunsill, għall-paċi u r-rikonċiljazzjoni nazzjonali fil-Kosta ta' l-Avorju u l-istabbilità fir-reġjun.

Iffriżar ta' flejjes u attiv finanzjarju.

6. (1) Kull flejjes, attiv finanzjarju ieħor u riżorsi ekonomiċi li jkunu jinsabu f'Malta u li jkunu jappartjenu lil, jew ikunu direttament jew indirettament kontrollati mill-persuni msemmija mill-Kumitat konformement mar-regolament 5 (1) ta' dawn ir-regolamenti, jew li jkunu miżmuma minn entitajiet li jkunu jappartjenu lil, jew ikunu direttament jew indirettament kontrollati minn persuni li jaġixxu f' isimhom jew fuq ordni mogħtija minnhom, kif imsemmi mill-Kumitat, għandhom jiġu ffriżati minnufih.

(2) Dawk il-flejjes, attiv finanzjarju jew riżorsi ekonomiċi għandhom ikunu prevenuti milli jintgħamlu disponibbli minn xi persuna f'Malta lil jew għall-benefiċċju ta' dawk il-persuni jew entitajiet.

(3) Id-dispożizzjonijiet ta' dan ir-regolament ma japplikawx għal flejjes, attiv finanzjarju ieħor u riżorsi ekonomiċi li jkunu ġew stabbiliti mill-awtoritajiet f' Malta:

(a) bħala meħtieġa għal spejjeż bażiċi, inkluż il-ħlas għall-ikel, kera jew *mortgage*, mediċini u kura medika, taxxi, *premiums* ta' l-assigurazzjoni, u ħlasijiet għal utilitajiet pubbliċi, jew esklusivament għall-ħlas ta' drittijiet professjonali raġonevoli u l-ħlas lura ta' spejjeż mġarrba assoċjati ma' l-għoti ta' servizzi legali, jew drittijiet jew ħlasijiet għal servizzi ta' rutina għaż-żamma jew manutenzjoni ta' flejjes iffriżati, attiv finanzjarju ieħor u riżorsi ekonomiċi, wara li jingħata avviż lill-Kumitat ta' l-intenzjoni li tiġi awtorizzata, meta dan ikun adatt, l-aċċessibilità għal dawk il-flejjes, attiv finanzjarju ieħor u riżorsi ekonomiċi, u sakemm ma tingħatax deċiżjoni negattiva mill-Kumitat dak hawn qabel imsemmi għandu jsir fi żmien jumejn minn meta jingħata dak l-avviż;

(b) bħala meħtieġa għal spejjeż straordinarji, sakemm deċiżjoni bħal dik tkun ġiet avżata lill-Kumitat u tkun ġiet approvata mill-Kumitat; jew

(c) bħala l-mertu ta' rahan ġudizzjarju, amministrattiv jew ta' arbitraġġ, jew ta' sentenza, f' liema każ il-flejjes, attiv finanzjarju ieħor u riżorsi ekonomiċi jistgħu jintużaw biex jissodisfaw dak ir-rahan jew dik is-sentenza:

Iżda dak ir-rahan jew dik is-sentenza għandhom ikunu ingħataw seħħ qabel id-data tar-Riżoluzzjoni, ma jkunux għall-benefiċċju ta' persuna minn dawk imsemmija fis-subregolament (1) ta' dan ir-regolament jew ta' individwu jew entità identifikati mill-Kumitat, u jkunu ġew avżati lill-Kumitat.

Piena.

7. Min jinsab ħati ta' reat kontra dawn ir-regolamenti jista', meta jinsab ħati, jeħel multa ta' mhux iżjed minn ħamsin elf lira Maltija.

SKEDA

(Regolament 3)

Resolution 1572 (2004)

Adopted by the Security Council at its 5078th meeting, on 15 November 2004

The Security Council,

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

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

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

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

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

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

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

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

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

1. *Condemns* the air strikes committed by the national armed forces of Côte d'Ivoire (FANCI) which constitute flagrant violations of the ceasefire agreement of 3 May 2003 and *demands* that all Ivoirian parties to the conflict, the Government of Côte d'Ivoire as well as Forces nouvelles, fully comply with the ceasefire;

2. *Reiterates* its full support for the action undertaken by UNOCI and French forces in accordance with their mandate under resolution 1528 (2004) and with the statement of its President of 6 November 2004 (S/PRST/2004/42);

3. *Emphasizes* again that there can be no military solution to the crisis and that the full implementation of the Linas-Marcoussis and Accra III Agreements remains the only way to resolve the crisis persisting in the country;

4. *Urges* as a consequence the President of the Republic of Côte d'Ivoire, the heads of all the Ivoirian political parties and the leaders of the Forces Nouvelles immediately to begin resolutely implementing all the commitments they have made under these agreements;

5. *Expresses* its full support for the efforts of the Secretary-General, the African Union and ECOWAS and *encourages* them to continue these efforts in order to relaunch the peace process in Côte d'Ivoire;

6. *Demands* that the Ivoirian authorities stop all radio and television broadcasting inciting hatred, intolerance and violence, *requests* UNOCI to strengthen its monitoring role in this regard, and *urges* the Government of Côte d'Ivoire and the Forces nouvelles to take all necessary measures to ensure the security and the safety of civilian persons, including foreign nationals and their property;

7. *Decides* that all States shall, for a period of thirteen months from the date of adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities;

8. *Decides* that the measures imposed by paragraph 7 above shall not apply to:

(a) supplies and technical assistance intended solely for the support of or use by UNOCI and the French forces who support them,

(b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by the Committee established by paragraph 14 below,

(c) supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only,

(d) supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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