L.N. 78 of 1994

UNITED NATIONS (SECURITY COUNCIL SANCTIONS) ACT, 1993

(ACT NO. XX OF 1993)

United Nations Sanctions (UNITA) Regulations, 1994

IN exercise of the powers conferred by section 3 of the United Nations (Security Council Sanctions) Act, 1993, the Prime Minister has made the following regulations:—

1. These regulations may be cited as the United Nations Sanctions (UNITA) Regulations, 1994. Citation.

2. In these regulations, unless the context otherwise requires — Interpretation.

"the Act" means the United Nations (Security Council Sanctions) Act, 1993;

"aircraft" includes a helicopter;

"designated goods" means any arms and related materials of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, as well as petroleum and petroleum products, whether originating in Malta or not;

"designated points of entry" means those points of entry through which passage into Angola is allowed and approved by the legitimate Government of Angola;

"the Secretary-General" means the Secretary-General of the United Nations;

"the Security Council" means the Security Council of the United Nations;

"UNITA" means the *Uniao Nacional para a Indipendencia Total de Angola (National Union for the Total Independence of Angola)*.

3. For the purposes of subsection (2) of section 3 of the Act, resolution number 864 (1993) adopted by the Security Council on the 15th September, 1993 is published in the English language in the Schedule to these regulations. Text of resolution.

4. The sale or supply of designated goods, by whatever means and other than through designated points of entry, by any person in Malta or by any citizen or permanent resident of Malta, whether in Malta or elsewhere, to any person or body in Angola or to any person or body who is connected, whether directly or indirectly, to UNITA, for the purpose of any business carried on in or operated from Angola and which is against the legitimate Government of Angola, is prohibited. Application of sanctions.

Claims affecting rights prior to adoption of resolution.

5. Notwithstanding any other law, no claim shall lie at the instance of the Government of Angola or of any person in connection with any rights or obligations conferred or imposed by an international agreement or any contract or transcation entered into or any licence or permit granted prior to the adoption of the resolution mentioned in regulation 3 of these regulations, or in connection with any rights or obligations related thereto, where the performance of those rights or obligations was affected by the measures imposed by the said resolution or as a result of these regulations.

Punishments.

6. Any person who contravenes the provisions of regulation 4 of these regulations shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding fifty thousand Maltese Liri.

SCHEDULE

(Regulation 3)

RESOLUTION 864 (1993) ADOPTED BY THE SECURITY COUNCIL AT ITS 3277th MEETING ON 15 SEPTEMBER 1993

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992, 804 (1993) of 29 January 1993, 811 (1993) of 12 March 1993, 823 (1993) of 30 April 1993, 834 (1993) of 1 June 1993 and 851 (1993) of 15 July 1993,

Having considered the report of the Secretary-General (S/26434 and Add. 1) dated 13 September 1993,

Expressing grave concern at the continuing deterioration of the political and military situation, and **noting** with consternation the further deterioration of an already grave humanitarian situation,

Deeply concerned that, despite its previous resolutions and the efforts undertaken by the Secretary-General and his Special Representative, the peace talks remain suspended and a cease-fire has not been established,

Welcoming the joint statement issued in Lisbon on 10 September 1993 by the representatives of Portugal, the Russian Federation and the United States of America, the three observer States to the Angolan peace process (S/26488),

Welcoming also and supporting to that end the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations, **and stressing** the importance it attaches thereto.

Welcoming further the efforts of the Ad Hoc Committee on Southern Africa of the Organization of African Unity (OAU) and of Heads of State of neighbouring countries to facilitate the resumption of the peace process in Angola,

Emphasizing the importance of a continued and effective United Nations presence in Angola with a view to fostering the peace process and advancing the full implementation of the "Acordos de Paz",

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

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1. **Welcomes** the report of the Secretary-General (S/26434) dated 13 September 1993 and **decides** to extend the existing mandate of the United Nations Angola Verification Mission (UNAVEM II) for a period of three months until 15 December 1993;

2. **Reiterates its readiness** to consider taking action promptly, at any time within the period of the mandate authorized by this resolution, on the recommendation of the Secretary-General, to expand substantially the United Nations presence in Angola in the event of significant progress in the peace process;

3. **Reaffirms** the importance of the functions of good offices and mediation by UNAVEM II and the Special Representative, with the goal of restoring a cease-fire and reinstating the peace process for the full implementation of the "Acordos de Paz";

4. **Welcomes** the continued disposition of the Government of Angola to reach a peaceful settlement of the conflict in conformity with the "Acordos de Paz" and relevant resolutions of the Security Council;

5. **Reaffirms its recognition** of the legitimate rights of the Government of Angola and in this regard **welcomes** the provision of assistance to the Government of Angola in support of the democratic process;

6. **Reiterates once again its demand** that UNITA accept unreservedly the results of the democratic elections of 30 September 1992 and abide fully by the "Acordos de Paz";

7. **Condemns** UNITA for continuing military actions, which are resulting in increased suffering to the civilian population of Angola and damage to the Angolan economy and **again demands** that UNITA immediately cease such actions;

8. **Also condemns** UNITA's repeated attempts to seize additional territory and its failure to withdraw its troops from the locations which it has occupied since the resumption of the hostilities, and **demands once again** that it immediately do so and agree without delay to return its troops to United Nations-monitored areas as a transitional measure pending full implementation of the "Acordos de Paz";

9. **Reaffirms** that such occupation is a grave violation of the "Acordos de Paz" and is incompatible with the goal of peace through agreements and reconciliation;

10. **Stresses once again** the fundamental need to reinitiate without delay the peace talks under United Nations auspices with a view to the immediate establishment of a cease-fire throughout the country and the full implementation of the "Acordos de Paz" and resolutions of the Security Council;

11. **Takes note** of statements by UNITA that it is prepared to resume peace negotiations and **demands** that UNITA act accordingly;

12. **Welcomes** the further steps taken by the Secretary-General to implement the emergency humanitarian assistance plan;

13. **Strongly condemns** the repeated attacks carried out by UNITA against United Nations personnel working to provide humanitarian asistance and **reaffirms** that such attacks are clear violations of international humanitarian law;

14. **Takes note** of statements by UNITA that it will cooperate in ensuring the unimpeded delivery of humanitarian assistance to all Angolans and **demands** that UNITA act accordingly;

15. **Reiterates its appeal** to both parties to take all necessary measures to ensure the security and safety of UNAVEM II personnel as well as of the personnel involved in humanitarian relief operations, and strictly to abide by applicable rules of international humanitarian law;

16. **Demands** that UNITA proceed immediately to the release of all foreign citizens held against their will and to abstain from any action which might cause damage to foreign property.

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Strongly condemning UNITA and holding its leadership responsible for not having taken the necessary measures to comply with the demands made by the Council in its previous resolutions,

Determined to ensure respect for its resolutions and the full implementation of the "Acordos de Paz",

Urging all States to refrain from providing any form of direct or indirect assistance, support or encouragement to UNITA,

Determining that, as a result of UNITA's military actions, the situation in Angola constitutes a threat to international peace and security,

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

17. **Decides** that the provisions set forth in paragraphs 19 to 25 below shall come into force ten days after the date of adoption of the present resolution unless the Secretary-General notifies the Council that an effective cease-fire has been established and that agreement has been reached on the implementation of the "Acordos de Paz" and relevant resolutions of the Security Council;

18. **Decides further** that if, at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General reports to the Council that UNITA has broken the cease-fire or ceased to participate constructively in the implementation of the "Acordos de Paz" and the relevant resolutions of the Security Council, the provisions set forth in paragraphs 19 to 25 below shall come into force immediately;

19. **Decides,** with a view to prohibiting all sale or supply to UNITA of arms and related *matériel* and military assistance, as well as petroleum and petroleum products, that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the afore-mentioned, as well as of petroleum and petroleum products, whether or not originating in their territory, to the territory of Angola other than through named points of entry on a list to be supplied by the Government of Angola to the Secretary-General, who shall promptly notify the Member States of the United Nations;

20. **Calls upon** all States, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of adoption of this resolution;

21. **Calls upon** States to bring proceedings against persons and entities violating the measures imposed by this resolution and to impose appropriate penalties;

22. **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 and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 24 below;

(b) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed by paragraph 19 above;

(c) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 19 above and to recommend appropriate measures in response thereto;

(d) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 19 above, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(e) To promulgate guidelines that may be necessary to facilitate the implementation of the measures imposed by paragraph 19 above;

23. **Calls upon** all States to cooperate fully with the Committee established by paragraph 22 above in the fulfilment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

24. **Requests** all States to report to the Secretary-General by 15 October 1993 on the measures they have adopted in order to meet the obligations set out in paragraph 19 above;

25. **Requests** the Secretary-General to provide all necessary assistance to the Committee established by paragraph 22 above and to make the necessary arrangements in the Secretariat for this purpose;

26. **Expresses its readiness** to consider the imposition of further measures under the Charter of the United Nations, including *inter alia,* trade measures against UNITA and restrictions on the travel of UNITA personnel, unless by 1 November 1993 the Secretary-General has reported that an effective cease-fire has been established and that agreement has been reached on the full implementation of the "Acordos de Paz" and relevant resolutions of the Security Council;

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27. **Expresses also its readiness** to review the measures in the present resolution if the Secretary-General reports to the Council that an effective cease-fire has been established and that substantial progress has been achieved towards the full implementation of the "Acordos de Paz" and relevant resolutions of the Security Council;

28. **Requests** the Secretary-General to submit to it as soon as the situation warrants, and in any case in good time before 1 November 1993 and again before 15 December 1993, a report on the situation in Angola and the implementation of this resolution, with his recommendation for the further role of the United Nations in the peace process and, in the meantime, to keep the Council regularly informed of developments;

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

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