Version
as at 7 May 2026

United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004

(SR 2004/465)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 20th day of December 2004

Present:
Her Excellency the Governor-General in Council

Pursuant to section 2 of the United Nations Act 1946, Her 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 resolutions 1493 (2003) and 1552 (2004) of the Security Council of the United Nations adopted pursuant to the United Nations Charter on 28 July 2003 and on 27 July 2004 respectively, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of the Democratic Republic of the Congo the measures set out, or referred to, in those resolutions,—

makes the following regulations.

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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

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Regulations

1 Title

These regulations are the United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004.

2 Commencement

These regulations come into force on 14 January 2005.

3 Interpretation

In these regulations, unless the context otherwise requires,—

arms includes—

(a) related materiel of all types (for example, weapons, ammunition, military vehicles and equipment, or paramilitary equipment); and

(b) spare parts for any arms, or for any goods specified in paragraph (a)

committee means the committee established under paragraph 8 of resolution 1533 of the Security Council of the United Nations

Customs or **the Customs** has the same meaning as Customs in section 5(1) of the Customs and Excise Act 2018

Customs officer has the same meaning as in section 5(1) of the Customs and Excise Act 2018

designated person means a person designated under any of the following paragraphs of the following resolutions of the Security Council of the United Nations:

(a) paragraph 13 of resolution 1596 (2005):

(b) paragraph 2 of resolution 1649 (2005):

(c) paragraph 13 of resolution 1698 (2006):

(d) paragraph 13 of resolution 1807 (2008):

(e) paragraph 7 of resolution 2293 (2016) (including in relation to an act described in paragraph 3 of resolution 2360 (2017)):

(f) paragraph 3 of resolution 2582 (2021)

DRC means the Democratic Republic of the Congo

Minister means the Minister of Foreign Affairs and Trade

MONUSCO means the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

New Zealand includes Tokelau

New Zealand aircraft means an aircraft that is registered or required to be registered in New Zealand under the Civil Aviation Act 2023

New Zealand ship means a ship registered in New Zealand, or recognised by the law of New Zealand as a ship belonging to New Zealand.

Regulation 3 **committee**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

Regulation 3 **Customs** or **the Customs**: inserted, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3 **Customs** or **the Customs** and **Customs officer**: revoked, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3 **Customs officer**: inserted, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3 **designated person**: replaced, on 1 September 2022, by regulation 4(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 3 **MONUC**: revoked, on 1 September 2022, by regulation 4(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 3 **MONUSCO**: inserted, on 1 September 2022, by regulation 4(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 3 **New Zealand aircraft**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Regulation 3 **resolution**: revoked, on 1 September 2022, by regulation 4(3) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Exportation of arms

4 Exportation of arms to DRC prohibited

(1) No person may directly or indirectly export arms from New Zealand to the DRC knowing that the arms are intended to be exported to the DRC, or are intended for use in, or for the benefit of, the DRC.

(2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister has consented to that exportation of those goods.

(3) Subclause (1) does not apply to—

(a) arms intended solely for the support of, or use by, any 1 or more of the following:

(i) MONUSCO:

(ii) the African Union Regional Task Force:

(iii) the Government of the DRC; or

(b) protective clothing (including flak jackets and military helmets) temporarily exported to the DRC by the following persons for their personal use in that country:

(i) United Nations personnel:

(ii) representatives of the media, humanitarian and development workers, and associated personnel; or

(c) non-lethal military equipment intended solely for self-protection or humanitarian aid; or

(d) arms the supply of which has been approved in advance by the committee.

(4) *[Revoked]*

Compare: SR 2001/26 r 4

Regulation 4(1): amended, on 1 September 2022, by regulation 5(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 4(3): replaced, on 1 September 2022, by regulation 5(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 4(3)(a): replaced, on 7 May 2026, by regulation 4(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Regulation 4(3)(c): replaced, on 7 May 2026, by regulation 4(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Regulation 4(3)(d): inserted, on 7 May 2026, by regulation 4(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Regulation 4(4): revoked, on 7 May 2026, by regulation 4(3) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

5 Customs and Excise Act 2018 to apply to prohibited exports

(1) All provisions of the Customs and Excise Act 2018 with respect to prohibited exports (except sections 388 and 389) apply to arms that are intended to be exported to the DRC, or are intended for use in, or for the benefit of, the DRC, as if the exportation of the arms were prohibited under section 96 of that Act.

(2) Subclause (1) does not apply to particular goods or to goods of a particular class if—

(a) the Minister has consented to the exportation of those goods; or

(b) the goods are of the kind described in regulation 4(3)(a) to (c).

Regulation 5: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 5(1): amended, on 1 September 2022, by regulation 6(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 5(2): inserted, on 1 September 2022, by regulation 6(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

6 Detention of prohibited exports

(1) A Customs officer may detain any goods that the Customs officer has reasonable cause to suspect are prohibited goods.

(2) In this regulation, **prohibited goods** means arms that are intended to be exported to the DRC, or are intended for use in, or for the benefit of, the DRC, other than—

(a) goods to whose exportation the Minister has consented; and

(b) goods of the kind described in regulation 4(3)(a) to (c).

Compare: SR 2001/26 r 6

Regulation 6(1): amended, on 1 September 2022, by regulation 7(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 6(2): inserted, on 1 September 2022, by regulation 7(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

7 Prohibited exports not to be loaded onto ships or aircraft

(1) The master of a ship or the pilot in command of an aircraft must not permit to be laden in the ship or aircraft any arms, knowing that the arms are intended to be exported to the DRC, or knowing that they are intended for use in, or for the benefit of, the DRC.

(2) Subclause (1) does not apply to particular goods or to goods of a particular class if—

(a) the Minister has consented to the exportation of those goods; or

(b) the goods are of the kind described in regulation 4(3)(a) to (c).

Compare: SR 2001/26 r 7

Regulation 7(1): amended, on 1 September 2022, by regulation 8(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 7(2): inserted, on 1 September 2022, by regulation 8(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

8 Power to withhold clearance of ship or aircraft

(1) The Customs may withhold the clearance of any ship or aircraft so long as there are on board the ship or aircraft any arms that any Customs officer has reasonable cause to suspect are prohibited goods.

(2) In this regulation, **prohibited goods** has the meaning given in regulation 6(2).

Compare: SR 2001/26 r 8

Regulation 8(1): amended, on 1 September 2022, by regulation 9(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 8(2): inserted, on 1 September 2022, by regulation 9(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Dealings with arms

9 Transactions with persons in DRC in relation to arms prohibited

(1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may enter into, or be concerned in, any sale, transfer, carriage, or delivery of, or other dealing with, any arms, knowing that those arms—

(a) are intended to be imported by a person within the DRC; or

(b) are intended for use in, or for the benefit of, the DRC.

(2) Subclause (1) does not apply to particular goods or to goods of a particular class if—

(a) the Minister has consented to that sale, transfer, carriage, delivery, or other dealing with, those goods; or

(b) the goods are of the kind described in regulation 4(3)(a) to (c).

Compare: SR 2001/26 r 9

Regulation 9(1): amended, on 1 September 2022, by regulation 10(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 9(1)(b): replaced, on 1 September 2022, by regulation 10(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 9(2): replaced, on 1 September 2022, by regulation 10(3) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Carriage of arms

10 Carriage of arms to DRC prohibited

(1) No ship or aircraft may be used for the carriage of arms if the carriage is, or forms part of, the carriage of those arms from any place to the DRC.

(2) Subclause (1) does not apply if—

(a) the Minister has consented to the carriage under regulation 4(2) or 9(2)(a); or

(b) the arms are of the kind described in regulation 4(3)(a) to (c).

(3) In subclause (1), **ship or aircraft** means—

(a) any New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3); or

(b) any other ship or aircraft that is, for the time being, chartered to any New Zealand citizen, or to any body incorporated or constituted under the law of New Zealand.

(4) Subclause (1) does not limit any of regulations 4 to 9.

Compare: SR 2001/26 r 10

Regulation 10(1): replaced, on 1 September 2022, by regulation 11 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 10(2): replaced, on 1 September 2022, by regulation 11 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

11 Liability of owner, charterer, master, or pilot in command

(1) If any ship or aircraft is used in contravention of regulation 10, each of the following persons is guilty of an offence against these regulations:

(a) in the case of a New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3), the owner and the master of the ship or, as the case requires, the owner and the pilot in command of the aircraft:

(b) in the case of any other ship or aircraft, the charterer of the ship or aircraft and, if the master of the ship or pilot in command of the aircraft is a New Zealand citizen, the master or pilot in command.

(2) However, a person is not guilty of an offence under subclause (1) unless they knew—

(a) that the goods carried on the ship or aircraft were or included arms; or

(b) that the carriage of the arms was, or formed part of, the carriage of goods from any place to the DRC.

(3) In this regulation, **owner** and **charterer**, in relation to a ship, include any person acting as the agent of the owner or, as the case requires, the agent of the charterer.

Compare: SR 2001/26 r 11

Regulation 11(2): amended, on 1 September 2022, by regulation 12 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Provision of assistance, advice, or training relating to military activities

12 Provision to DRC of assistance, advice, or training relating to military activities prohibited

(1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may provide any financial or other assistance, financial resources, financial services, advice, or training related to military activities, knowing that they are provided to a person in the DRC.

(2) The financial or other assistance, financial resources, financial services, advice, or training referred to in subclause (1) includes, without limitation, any financial or other assistance, financial resources, financial services, technical advice, or training relating to the provision, manufacture, maintenance, or use of arms.

(3) Subclause (1) does not apply if the Minister has consented to the provision of the financial or other assistance, financial resources, financial services, advice, or training.

(4) Subclause (1) does not apply to the provision of—

(a) assistance, advice, or training intended solely for the support of, or use by, any 1 or more of the following:

(i) MONUSCO:

(ii) the African Union Regional Task Force:

(iii) the Government of the DRC:

(b) technical assistance and training that relates to the supply of non-lethal military equipment intended solely for self-protection or humanitarian aid:

(c) assistance or personnel the provision of which or whom has been approved in advance by the committee.

(5) For the purposes of this regulation, **financial services** includes investment, brokering, and related services.

Compare: SR 2001/26 r 12

Regulation 12(1): replaced, on 1 September 2022, by regulation 13(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 12(2): substituted, on 20 November 2008, by regulation 8(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

Regulation 12(3): replaced, on 1 September 2022, by regulation 13(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 12(4): replaced, on 7 May 2026, by regulation 5 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Regulation 12(5): replaced, on 7 May 2026, by regulation 5 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Prohibition on dealings in assets, money, or securities of, or derived from property of, designated persons

Heading: inserted, on 20 November 2008, by regulation 9 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

12A Prohibition on dealings in assets, money, or securities of, or derived from property of, designated persons

(1) No person may transfer, pay for, sell, assign, dispose of, or otherwise deal with any asset, money, or security knowing that it is—

(a) owned or controlled, directly or indirectly, by a designated person or a person or entity acting on behalf, or at the direction, of a designated person; and

(b) located in New Zealand.

(2) *[Revoked]*

(3) *[Revoked]*

Regulation 12A: inserted, on 20 November 2008, by regulation 9 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

Regulation 12A(1): replaced, on 1 September 2022, by regulation 14(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 12A(2): revoked, on 7 May 2026, by regulation 6 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Regulation 12A(3): revoked, on 1 September 2022, by regulation 14(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

12B Prohibition on sending funds, etc, to designated persons

(1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may send, transfer, or deliver, or cause to be sent, transferred, or delivered, whether directly or indirectly, any asset, money, or security, knowing that it is being sent, transferred, or delivered—

(a) to a designated person or a person or entity acting on behalf, or at the direction, of a designated person; or

(b) for the benefit of a designated person or a person or entity acting on behalf, or at the direction, of a designated person.

(2) *[Revoked]*

Regulation 12B: inserted, on 20 November 2008, by regulation 9 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

Regulation 12B(1): amended, on 1 September 2022, by regulation 15 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 12B(2): revoked, on 7 May 2026, by regulation 7 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

12C Exceptions to regulations 12A and 12B

(1) Regulations 12A and 12B do not apply to an act in relation to any asset, money, or security if the act—

(a) is authorised by a consent under subclause (2); or

(b) is—

(i) necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs; and

(ii) carried out by an entity set out in paragraph 1 of resolution 2664 (2022) of the Security Council of the United Nations.

(2) The Minister may consent to an act in relation to any asset, money, or security if the Minister is satisfied that the act—

(a) is necessary for basic expenses within the meaning of paragraph 12(a) of resolution 1807 of the Security Council of the United Nations and is authorised under that paragraph; or

(b) is necessary for extraodinary expenses within the meaning of paragraph 12(b) of that resolution and is authorised under that paragraph; or

(c) is authorised under paragraph 12(c) of that resolution (which relates to assets, money, or securities subject to judicial, administrative, or arbitral liens or judgments).

Regulation 12C: inserted, on 20 November 2008, by regulation 9 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

Regulation 12C(1): replaced, on 7 May 2026, by regulation 8(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Regulation 12C(2): amended, on 7 May 2026, by regulation 8(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69).

Entry and transit of designated persons

Heading: inserted, on 20 November 2008, by regulation 9 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

12D Designated person to enter New Zealand only if consistent with determinations of Security Council

(1) No person who is a designated person may enter New Zealand, or transit through New Zealand, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.

(2) Subclause (1) does not apply so as to prevent a designated person from entering or transiting through New Zealand if—

(a) the committee has determined that the travel is justified on the grounds of humanitarian need, including religious obligations; or

(b) the committee has concluded that the travel would otherwise further the objectives of the Security Council's resolutions; or

(c) the person is transiting through New Zealand and the committee has determined that the transit is justified for the purpose of—

(i) returning to the territory of the State of their nationality; or

(ii) participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law; or

(d) the travel is necessary for the fulfilment of judicial process.

(3) Subclause (1) does not apply to a designated person who is a New Zealand citizen.

(4) A visa may be granted under the Immigration Act 2009 to a designated person only on the advice of the Secretary of Foreign Affairs and Trade that the visa is consistent with subclause (1).

(5) This regulation operates in addition to the requirements of the Immigration Act 2009 and any regulations made under that Act.

Regulation 12D: inserted, on 20 November 2008, by regulation 9 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391).

Regulation 12D(2)(c): inserted, on 1 September 2022, by regulation 16 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 12D(2)(d): inserted, on 1 September 2022, by regulation 16 of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 12D(4): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Regulation 12D(5): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Minister's consent

13 Preconditions to consent

Before consenting to an activity under regulation 4(2), 9(2), or 12(3), the Minister must be satisfied that the activity—

(a) is not inconsistent with the measures set out in paragraph 1 of resolution 1807 (2008) of the Security Council of the United Nations; or

(b) is, under paragraph 2 or 3 of resolution 2293 (2016) of the Security Council of the United Nations, an activity to which those measures do not apply.

Regulation 13(a): amended, on 1 September 2022, by regulation 17(1) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Regulation 13(b): amended, on 1 September 2022, by regulation 17(2) of the United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221).

Miscellaneous provisions

14 Offences

Every person commits an offence against these regulations, and is liable accordingly under section 3 of the United Nations Act 1946, who acts in contravention of or fails to comply in any respect with any of the provisions of these regulations.

Compare: SR 2001/26 r 18

15 Attorney-General's consent and certificate in certain cases

If an offence against these regulations is alleged to have been committed outside New Zealand, a prosecution for the offence may not be commenced without—

(a) the Attorney-General's consent; and

(b) the Attorney-General's certificate that it is expedient that the proceedings be commenced.

Compare: SR 2001/26 r 19

16 Customs and Excise Act 2018 not affected

These regulations do not affect the operation of the Customs and Excise Act 2018.

Regulation 16: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 23 December 2004.

Notes

1 General

This is a consolidation of the United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2026 (SL 2026/69)

Civil Aviation Act 2023 (2023 No 10): section 486

United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2022 (SL 2022/221)

Customs and Excise Act 2018 (2018 No 4): section 443(4)

Immigration Act 2009 (2009 No 51): section 406(2)

United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008 (SR 2008/391)

Wellington, New Zealand:
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