



## SNAPSHOT

# SUDAN AND SOUTH SUDAN SANCTIONS FRAMEWORKS

### Why are sanctions imposed?

In 2004, the United Nations Security Council (UNSC) imposed sanctions in relation to Sudan in response to the ongoing humanitarian crisis and widespread human rights violations in the country. The sanctions framework has been amended and renewed by several subsequent UNSC resolutions. Following the independence of the Republic of South Sudan in 2011, the UNSC's Sudan Sanctions Committee confirmed that the sanctions framework in relation to Sudan does not apply to South Sudan. However, in 2015 the UNSC decided to impose sanctions in relation to South Sudan in view of the deterioration of the security and humanitarian situation in the country, including ongoing human rights violations and abuses. In July 2018, the UNSC imposed an arms embargo on South Sudan in response to ongoing hostilities and peace agreement violations.

Australia implements UNSC sanctions by incorporating them into Australian sanctions law.

### What is prohibited by the Sudan and South Sudan sanctions frameworks?

Australia's South Sudan and Sudan sanctions framework impose the following sanctions measures:

| Sanctions measures                                                        | Sanctions imposed by |
|---------------------------------------------------------------------------|----------------------|
| restrictions on supplying arms or related matériel, and related services  | UNSC                 |
| restrictions on providing assets to designated persons or entities        | UNSC                 |
| restrictions on dealing with the assets of designated persons or entities | UNSC                 |
| travel bans on designated persons                                         | UNSC                 |

### Restrictions on supplying arms or related matériel

Both the Sudan and South Sudan sanctions frameworks impose an arms embargo. It is prohibited to directly or indirectly supply, sell or transfer arms or related matériel to designated persons or entities.

Arms or related matériel includes, but is not limited to, weapons, ammunition, military vehicles and equipment, and spare parts and accessories for any of those things. It also includes paramilitary equipment. While each case will be considered individually, goods on the [Defence and Strategic Goods List](#) are likely to be considered arms or related matériel. Depending on the context, end user and end use, other goods may also be considered arms or related matériel.

### Restrictions on providing certain services

To complement the restrictions on supplying arms or related matériel, providing services that relate to those sanctioned goods is also restricted. It is prohibited to provide technical training or assistance which relates to the provision, manufacture, maintenance or use of arms or related matériel to a designated person or entity.

### Restrictions on providing assets to designated persons or entities

It is prohibited to directly or indirectly make an asset available to (or for the benefit of) a designated person or entity.

## Restrictions on dealing with the assets of designated persons or entities (requirement to freeze assets)

It is prohibited to use or deal with an asset or allow or facilitate another person to use or deal with an asset owned or controlled by a designated person or entity (the assets are 'frozen' and cannot be used or dealt with). The prohibition on 'dealing' with assets includes using, selling or moving assets. 'An 'asset' includes an asset or property of any kind, whether tangible or intangible, movable or immovable.

Go to the [Consolidated List](#) to search the names of designated persons and entities.

If you become aware that you are holding an asset of a designated person or entity, you are required to freeze (hold) that asset and notify the AFP as soon as possible.

## Travel bans

All persons designated for the Sudan and South Sudan sanctions frameworks are prohibited from transiting through or entering Australia.

## Who must comply with sanctions?

Australian sanction laws apply to activities in Australia and to activities undertaken overseas by Australian citizens and Australian-registered bodies corporate. In some circumstances, it may be possible to obtain a permit from the Minister for Foreign Affairs to engage in an activity that would otherwise be prohibited by a sanctions measure. Information on planning an activity and submitting an application for a [sanctions permit](#) is available on the DFAT website.

It is a serious criminal offence to contravene a sanctions measure (or a condition of a sanctions permit). The penalties include up to ten years in prison and substantial fines.

## Relevant legislation

The relevant legislation for the Sudan and South Sudan sanctions frameworks includes the following:

- [Charter of the United Nations Act 1945](#)
- [Charter of the United Nations \(Dealing with Assets\) Regulations 2008](#)
- [Charter of the United Nations \(Sanctions – Sudan\) Regulations 2008](#)
- [Charter of the United Nations \(Sanctions – South Sudan\) Regulations 2015](#)
- [Customs \(Prohibited Exports\) Regulations 1958](#)
- [Autonomous Sanctions Regulations 2011](#)
- [Migration Regulations 1994](#)
- [Migration \(United Nations Security Council Resolutions\) Regulations 2007](#)

## Where can I get more information?

[Australia and sanctions](#) webpage.

Enquiries can be made to DFAT by emailing [sanctions@dfat.gov.au](mailto:sanctions@dfat.gov.au)

DFAT maintains a [mailing list](#) for people interested in receiving updates on Australian sanctions laws.

*This document provides a summary only of relevant sanctions laws. It should not be relied upon as a substitute for legal advice. It is your responsibility to ensure you do not contravene sanctions law, including by obtaining your own legal advice.*