



SNAPSHOT

SUDAN AND SOUTH SUDAN SANCTIONS REGIMES

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 Sudan. The sanctions regime 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 regime 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, 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 the UNSC sanctions concerning Sudan and South Sudan by incorporating them into Australian law.

What is prohibited by the Sudan and South Sudan sanctions regimes?

The South Sudan and Sudan sanctions regimes impose the following sanctions measures:

Measure	Sudan	South Sudan
restrictions on supplying arms or related matériel, and related services	✓	✓
restrictions on providing assets to designated persons or entities	✓	✓
restrictions on dealing with the assets of designated persons or entities	✓	✓
travel bans on designated persons	✓	✓

Restrictions on supplying arms or related matériel, and related services

Both the Sudan and South Sudan sanctions regimes impose an arms embargo. It is prohibited to:

- directly or indirectly supply, sell or transfer arms or related matériel
- provide technical training or assistance which relates to the provision, manufacture, maintenance or use of arms or related matériel.

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 assets to designated persons or entities

The UNSC has designated six individuals for the purposes of the Sudan sanctions regime and four individuals for the South Sudan sanctions regime. The designated individuals are all senior military personnel.

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

It is prohibited to use or deal with an asset, or allow or facilitate another person to use or deal with an asset, if the asset is directly or indirectly owned or controlled by a designated person or entity (the assets are ‘frozen’ and cannot be used or dealt with).

An ‘asset’ includes an asset or property of any kind, whether tangible or intangible, movable or immovable. The [Consolidated List](#) available on DFAT’s website includes the names of all designated persons and entities.



Travel bans

All persons designated for the Sudan and South Sudan sanctions regimes 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 regimes 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*
- *Migration (United Nations Security Council Resolutions) Regulations 2007*

Where can I get more information?

More information on Australia's sanctions can be found on DFAT's website: <https://dfat.gov.au/international-relations/security/sanctions/Pages/sanctions.aspx>.

Enquiries can be made to DFAT by emailing sanctions@dfat.gov.au.

DFAT maintains a mailing list for people interested in receiving updates on Australian sanctions laws. You can subscribe to this list via the [DFAT website](#).

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.