



SNAPSHOT

THE TALIBAN SANCTIONS FRAMEWORK

Why are sanctions imposed?

The United Nations Security Council (UNSC) maintains a Taliban sanctions framework to promote the peace, stability and security of Afghanistan. Australia implements UNSC sanctions by incorporating them into Australian sanctions law.

Australia's implementation of the humanitarian exemption to the Taliban sanctions framework

The UNSC adopted [resolution 2615](#) on 22 December 2021 establishing a humanitarian exemption to the UNSC sanctions framework in relation to the Taliban.

Operative paragraph (OP) 1 of resolution 2615 'decides that humanitarian assistance and other activities that support basic human needs in Afghanistan are not a violation of paragraph 1(a) of resolution 2255 (2015), and that the processing and payment of funds, other financial assets or economic resources, and the provision of goods and services necessary to ensure the timely delivery of such assistance or to support such activities are permitted'.

The humanitarian exemption to the UNSC Taliban sanctions framework has automatic effect in Australia by operation of section 2B of the *Charter of the United Nations Act 1945*. Accordingly, assistance or activities covered by OP1 of resolution 2615 do not constitute an offence under Australian sanctions laws.

OP1 of resolution 2615 also 'strongly encourages providers relying on this paragraph to use reasonable efforts to minimise the accrual of any benefits, whether as a result of direct provision or diversion, to individuals or entities designated on the 1988 Sanctions List'. The Australian Sanctions Office expects Australians and Australian organisations to provide assistance and conduct their activities accordingly.

If you have any questions about the humanitarian exemption to the Taliban sanctions framework, you can contact the Australian Sanctions Office through our online portal, [Pax](#).

What is prohibited by the Taliban sanctions framework?

The Taliban sanctions regime imposes the following sanctions measures:

Measure	UNSC	Autonomous
restrictions on supplying arms and related matériel	✓	-
restrictions on providing services (technical advice, assistance or training related to military activities) to designated persons or entities	✓	-
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

It is prohibited to directly or indirectly supply, sell or transfer arms or related matériel to the Taliban or to another person or entity designated for the purpose of the Taliban sanctions framework.

Arms or related matériel includes, but is not limited to, weapons, ammunition, military vehicles and equipment, and spare parts 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

It is prohibited to provide technical advice, assistance or training related to military activities to the Taliban or to another person or entity designated for the purposes of The Taliban sanctions framework.

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) The Taliban or to another person or entity designated for the purposes of The Taliban sanctions framework.

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

It is prohibited to use or deal with, or allow or facilitate another person to use or deal with, an asset of a designated person or entity (the assets are 'frozen' and cannot be used or dealt with). It is also prohibited to use or deal with, or allow or facilitate another person to use or deal with, funds derived from an asset that is owned or controlled by a designated person or entity (or a person acting on their behalf or at their direction).

The prohibition on 'dealing' with assets includes 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 form an opinion that you are holding an asset of a designated person or entity, you are required to freeze (hold) that asset and notify the Australian Federal Police as soon as practicable.

Travel bans

All persons designated for the Taliban sanctions framework are prohibited from entering or transiting through Australia.

Restrictions on dealing with cultural property illegally removed from Syria

The Syria sanctions framework implements UNSC Resolution 2199 which seeks to protect cultural property that has been illegally removed from Syria. An item will be protected if it was illegally removed from Syria on or after 15 March 2011 and it is either Syrian cultural property or it is otherwise of archaeological, historical, cultural, rare scientific or religious importance.

It is prohibited to give illegally removed cultural property to another person, to trade it or to transfer the ownership of it to another person. A person who suspects that an item in his or her possession or control is illegally removed cultural property must notify DFAT, the department responsible for the arts or Federal, State or Territory Police.

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 Taliban sanctions framework 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 \(Sanctions – The Taliban\) Regulation 2013](#)
- [Customs \(Prohibited Exports\) Regulations 1958](#)
- [Customs \(Prohibited Imports\) Regulations 1956](#)
- [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

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.