



## SNAPSHOT THE TALIBAN SANCTIONS REGIME

### Why are sanctions imposed?

Australia has implemented the United Nations Security Council (UNSC) Taliban sanctions regime into Australian law to promote the peace, stability and security of Afghanistan. The Taliban is no longer considered a terrorist organisation. However, sanctions continue to apply in relation to persons and entities designated for the purposes of the Taliban sanctions regime.

### Australia's implementation of the humanitarian exemption to the Taliban sanctions regime

The UNSC adopted [resolution 2615](#) on 22 December 2021 establishing a humanitarian exemption to the UNSC sanctions regime 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'.

Pending amendment of the *Charter of the United Nations (Sanctions – the Taliban) Regulation 2013* to reflect the humanitarian exemption, Australia is implementing the exemption immediately relying on 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.

Assistance or activities not covered by OP1 of resolution 2615 remain subject to Australian sanctions laws, including those implementing the UNSC sanctions regime in relation to the Taliban. They may 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 reflect that strong encouragement in their assistance and activities.

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

### What is prohibited by the Taliban sanctions regime?

The Taliban sanctions regime imposes the following sanctions measures:

Measure	UNSC	Autonomous
restrictions on supplying arms or related matériel	✓	
restrictions on the provision of services related to military activities	✓	
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 supply, sell or transfer (directly or indirectly) arms or related matériel to the Taliban or a person or entity designated for the purpose of the Taliban regime.

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. Go to [Factsheet: Arms and Related Matériel](#) for information on what to consider when assessing whether a good is an arm or related matériel.

## Restrictions on the provision of services related to military activities

It is prohibited to supply technical advice, assistance or training related to military activities to the Taliban or a person or entity designated for the purposes the Taliban sanctions regime.

## 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 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, which is owned or controlled by a designated person or entity. 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. Go to [What You Need to Do](#) for more information.

## Travel bans

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

## Who must comply with sanctions?

Australian sanctions laws apply to activities in Australia, and to activities undertaken overseas by Australian citizens and Australian-registered bodies corporate.

It is a serious criminal offence to breach Australian sanctions laws. The penalties include up to ten years in prison and substantial fines.

## Sanctions Permits

The Minister for Foreign Affairs may grant a sanctions permit to allow an activity that would otherwise be prohibited under The Taliban sanctions regime provided the activity meets specific criteria.

The table below provides a general guide to relevant criteria. You should get your own legal advice if you think your proposed activity is affected by sanctions and may meet the criteria for a permit. Go to [Sanctions Permits](#) for information on permits, including how to apply.

The Foreign Minister may need to notify or receive the approval of the UNSC before granting a sanctions permit. Where required, the Australian Sanctions Office will assist the Foreign Minister to notify or seek approval from the UNSC as part of the permit application process.

Measure	Criteria	Reference
Restrictions on supplying arms or related matériel	The Minister may not grant a permit for the supply of 'arms or related matériel' to The Taliban, or to a designated person or to a person or entity designated for the purposes of The Taliban sanctions regime.	Regulations 3,4,5 and 7 of the Charter of the United Nations (Sanctions – The Taliban) Regulation 2013  Regulation 13CI of the Customs (Prohibited Exports) Regulations 1958
Providing technical, financial or other assistance, or training	The Minister may not grant a permit for the provision of technical, financial or other assistance, or training, to The Taliban, or to a designated person or to a person or entity designated for the purposes of The Taliban sanctions regime.	Regulations 3,6, and 8 of the Charter of the United Nations (Sanctions – The Taliban) 2013
Restrictions on providing assets to designated persons or entities  and  Restrictions on dealing with the assets of designated persons or entities	The activity is a: <ul style="list-style-type: none"> <li>• basic expense dealing;</li> <li>• contractual dealing; or</li> <li>• extraordinary expense dealing.</li> </ul>	Regulations 9, 10, and 11 of the Charter of the United Nations (Sanctions – The Taliban) 2013  Regulation 5 of the Charter of the United Nations (Dealing with Assets) Regulations 2008

## Relevant legislation

The relevant legislation for the Taliban sanctions regime 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*
- *Migration Regulations 1994*

## Where can I get more information?

More information on Australian sanctions laws, including how to contact the Australian Sanctions Office and subscribe to receive updates by e-mail, can be found on DFAT's website: [www.dfat.gov.au/sanctions](http://www.dfat.gov.au/sanctions).

*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.*