

L.N. 97 of 2024

United Nations Sanctions (Somalia) Regulation 2019 (Amendment) Regulation 2024

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United Nations Sanctions (Somalia) Regulation 2019 (Amendment) Regulation 2024

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

1. **United Nations Sanctions (Somalia) Regulation 2019 amended**
The United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537 sub. leg. CG) is amended as set out in sections 2 to 9.
2. **Section 1 amended (interpretation)**
 - (1) Section 1, definition of *assistance*—
Repeal
everything after “technical”
Substitute
“assistance or training or financial or other assistance;”.
 - (2) Section 1, definition of *Committee*—
Repeal
“751;”
Substitute
“751, which has been renamed as “Security Council Committee pursuant to Resolution 2713 (2023) concerning Al-Shabaab”;”.
 - (3) Section 1, definition of *connected person*—
Repeal paragraphs (a), (d)(i) and (e)(i).
 - (4) Section 1, definition of *IED technology*—
Repeal

Section 2

“components, including any of the items covered by Part II of Annex C to Resolution 2662;”

Substitute

“components;”.

- (5) Section 1, definition of *prohibited IED components*—

Repeal

“2 of Part I of Annex C to Resolution 2662;”

Substitute

“2.a of Part I of Annex C to Resolution 2713;”.

- (6) Section 1, English text, definition of *supply*—

Repeal the full stop

Substitute a semicolon.

- (7) Section 1—

(a) definition of *FGS*;

(b) definition of *prohibited goods*;

(c) definition of *Resolution 2662*—

Repeal the definitions.

- (8) Section 1—

Add in alphabetical order

“*GFRS* (聯邦政府) means the Government of the Federal Republic of Somalia;

Resolution 2713 (《第2713號決議》) means Resolution 2713 (2023) adopted by the Security Council on 1 December 2023;

type A prohibited goods (甲類禁制物品) means any weapons, ammunition or military equipment;

type B prohibited goods (乙類禁制物品) means any weapons or military equipment.”.

Section 3

3. Section 2 amended (supply of goods prohibited)

- (1) Section 2(2), before “prohibited goods”—
Add
“type A”.
- (2) Section 2(3), before “prohibited goods”—
Add
“type B”.
- (3) Section 2(5)—
Repeal paragraph (a).
- (4) Section 2(5)(b), after “goods concerned”—
Add
“were type A prohibited goods, or that the goods”.
- (5) Section 2(5)(c), after “goods concerned”—
Add
“were type B prohibited goods, or that the goods”.

4. Section 3 amended (carriage of goods prohibited)

- (1) Section 3(2), before “prohibited goods”—
Add
“type A”.
- (2) Section 3(4), before “prohibited goods”—

Section 5

Add

“type B”.

- (3) Section 3(7)—

Repeal paragraph (a).

- (4) Section 3(7)(b)—

Repeal

“the carriage of the goods concerned”

Substitute

“the goods concerned were type A prohibited goods, or that the carriage of the goods”.

- (5) Section 3(7)(c)—

Repeal

“the carriage of the goods concerned”

Substitute

“the goods concerned were type B prohibited goods, or that the carriage of the goods”.

5. Section 4 amended (provision of assistance prohibited)

- (1) Section 4—

Repeal subsection (2).

- (2) Section 4(3), before “prohibited goods”—

Add

“type B”.

- (3) Section 4(4)—

Repeal

“(2) or”.

- (4) Section 4(5)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) that the assistance was, or was to be, provided to a designated person; or
- (b) that the assistance related to military activities or to the supply, manufacture, maintenance or use of any type B prohibited goods.”.

6. Section 9 amended (licence for supply or carriage of goods)

- (1) Section 9(1)(a), before “prohibited goods”—

Add

“type A”.

- (2) Section 9(1)(b), before “prohibited goods”—

Add

“type A”.

- (3) Before section 9(2)(a)—

Add

“(aa) the prohibited goods are intended solely for the support of or use by—

- (i) the GFRS;
- (ii) the Somali National Army;
- (iii) the Somali National Intelligence and Security Agency;
- (iv) the Somali National Police Force; or
- (v) the Somali Custodial Corps;”.

- (4) Section 9(2)(a), after “media,”—

Add

“private security contractors,”.

- (5) Section 9(2)(c)—

Repeal

“ATMIS;”

Substitute

“ATMIS or its Troop- and Police-Contributing Countries;”.

- (6) Section 9(2)(e)—

Repeal

“African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts),”

Substitute

“latest African Union Strategic Concept of Operations,”.

- (7) Section 9(2)(f)—

Repeal

“Somalia;”

Substitute

“Somalia and the United Nations Support Office in Somalia;”.

- (8) Section 9(2)(ha)—

Repeal subparagraph (iv)

Substitute

“(iv) any other United Nations Member State forces that—

- (A) have a status of forces agreement, or a memorandum of understanding, with the GFRS; and

Section 6

(B) have informed the Committee about the existence of such an agreement or memorandum;”.

(9) Section 9(2)(ka)—

Repeal

everything after “Resolution”

Substitute

“2713 and are intended solely for the support of or use by a permitted entity;”.

(10) Section 9(2)—

Repeal paragraph (l)

Substitute

“(l) the prohibited goods—

(i) are any of the items covered by Annex A to Resolution 2713; and

(ii) are to be supplied or carried to a permitted entity to provide security for international or commercial premises or personnel in Somalia,

and the GFRS has caused the Committee to be notified of the intended supply or carriage, and there is no negative decision by the Committee within 5 working days of the notification;”.

(11) Section 9(2)—

Repeal paragraph (m)

Substitute

“(m) the prohibited goods—

(i) are any of the items covered by Annex B to Resolution 2713; and

Section 7

(ii) are to be supplied or carried to a permitted entity to provide security for international or commercial premises or personnel in Somalia, and the GFRS has caused the Committee to be notified of the intended supply or carriage not less than 5 working days before the intended supply or carriage.”.

(12) Section 9—

Repeal subsections (4) and (5).

(13) At the end of section 9—

Add

“(7) In this section—

permitted entity (獲准實體) means—

- (a) a Federal Member State or regional government of Somalia; or
- (b) a licensed private security company operating in Somalia.”.

7. Section 10 repealed (licence for provision of assistance)

Section 10—

Repeal the section.

8. Section 10A amended (licence for supply or carriage of IED components)

After section 10A(2)—

Add

Section 9

“(3) However, if the Chief Executive is satisfied that the requirement in subsection (2) is met, before granting the licence, the Chief Executive must cause the GFRS to be notified of the intention to grant the licence.”.

9. Section 10B amended (licence for provision of IED technology)

After section 10B(2)—

Add

“(3) However, if the Chief Executive is satisfied that the requirement in subsection (2) is met, before granting the licence, the Chief Executive must cause the GFRS to be notified of the intention to grant the licence.”.

John KC LEE
Chief Executive

11 June 2024

Explanatory Note

This Regulation amends the United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537 sub. leg. CG) to give effect to certain decisions in the following Resolutions adopted by the Security Council of the United Nations—

- (a) Resolution 2713 (2023) on 1 December 2023; and
- (b) Resolution 2714 (2023) on 1 December 2023.

2. The amendments relate to the prohibition against—
 - (a) the supply, sale, transfer or carriage of weapons, ammunition or military equipment to Somalia or to certain persons; and
 - (b) the provision of technical assistance or training or financial or other assistance to certain persons.
3. The amendments also relate to the requirements of the licences for—
 - (a) the supply, sale, transfer or carriage of weapons, ammunition or military equipment to Somalia or to certain persons;
 - (b) the supply, sale, transfer or carriage of certain improvised explosive devices components to Somalia; and
 - (c) the provision of the technology required for the production or use of certain improvised explosive devices components.
4. The amendments also relate to the removal of certain prohibitions and the related licences.