

L.N. 22 of 2023

**United Nations Sanctions (Somalia) Regulation 2019
(Amendment) Regulation 2023**

(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 6.
- 2. Section 1 amended (interpretation)**
 - (1) Section 1, definition of *connected person*, paragraph (a)—
Repeal
“Federal Government of Somalia”
Substitute
“FGS”.
 - (2) Section 1, definition of *connected person*, paragraph (d)(i)—
Repeal
“Government mentioned in paragraph (a)”
Substitute
“FGS”.
 - (3) Section 1, definition of *connected person*, paragraph (e)(i)—
Repeal

Section 2

“Government mentioned in paragraph (a)”

Substitute

“FGS”.

- (4) Section 1, definition of *IED technology*—

Repeal the semicolon

Substitute

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

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

Repeal

“2607”

Substitute

“2662”.

- (6) Section 1—

Repeal the definitions of *AMISOM* and *Resolution 2607*.

- (7) Section 1—

Add in alphabetical order

“*ATMIS* (非索過渡特派團) means the African Union Transition Mission in Somalia;

FGS (聯邦政府) means the Federal Government of Somalia;

Resolution 2662 (《第2662號決議》) means Resolution 2662 (2022) adopted by the Security Council on 17 November 2022;”.

Section 3

3. Section 7 amended (entry or transit of persons prohibited)

(1) Section 7(1)—

Repeal

“designated”

Substitute

“specified”.

(2) After section 7(4)—

Add

“(5) In this section—

specified person (指明人士) means an individual designated by the Committee for the purposes of paragraph 1 of Resolution 1844.”.

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

(1) Section 9(2)(c)—

Repeal

“AMISOM”

Substitute

“ATMIS”.

(2) Section 9(2)(e)—

Repeal

everything after “by”

Substitute

“ATMIS’s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts), and in cooperation and coordination with ATMIS;”.

Section 4

- (3) Section 9(2)(h)—

Repeal

“Training Mission in Somalia”

Substitute

“training and support activities”.

- (4) After section 9(2)(h)—

Add

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

- (i) Türkiye;
- (ii) the United Kingdom of Great Britain and Northern Ireland;
- (iii) the United States of America; or
- (iv) any other State forces that—
 - (A) are operating within the Somalia Transition Plan; or
 - (B) have a status of forces agreement, or a memorandum of understanding, with the FGS to serve the purposes of Resolution 2662, and have informed the Committee about concluding such an agreement or memorandum;”.

- (5) Section 9(2)—

Repeal paragraph (i).

- (6) Section 9(2)(ka)—

Repeal

everything after “Resolution” and before “to provide”

Section 4

Substitute

“2662 and are intended solely for the development of Somalia’s security and police institutions”.

- (7) Section 9(2)(l)—

Repeal

everything after “Resolution” and before “to provide”

Substitute

“2662 and are intended solely for the development of Somalia’s security and police institutions”.

- (8) Section 9(2)—

Repeal paragraph (la).

- (9) Section 9(2)(m)—

Repeal

everything after “Resolution”

Substitute

“2662 and are intended solely for the development of Somalia’s security and police institutions to provide security for the Somali people.”.

- (10) Section 9(2)—

Repeal paragraph (n).

- (11) Section 9—

Repeal subsection (3).

- (12) Section 9(4)—

Repeal

“Also”

Substitute

“However”.

Section 5

(13) Section 9(4)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) must cause the Committee to be notified of the intention to grant the licence; and
- (b) may grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.”.

(14) Section 9—

Repeal subsections (4A) and (6).

5. Section 10 amended (licence for provision of assistance)

(1) Section 10(2)(a)—

Repeal

everything after “is”

Substitute

“intended solely for the support of or use by ATMIS;”.

(2) Section 10(2)(c)—

Repeal

everything after “by”

Substitute

“ATMIS’s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts), and in cooperation and coordination with ATMIS;”.

(3) Section 10(2)(e)—

Repeal

everything after “is”

Substitute

“intended solely for the support of or use by the European Union training and support activities;”.

- (4) After section 10(2)(e)—

Add

“(ea) the assistance is intended solely for the support of or use by—

- (i) Türkiye;
- (ii) the United Kingdom of Great Britain and Northern Ireland;
- (iii) the United States of America; or
- (iv) any other State forces that—
 - (A) are operating within the Somalia Transition Plan; or
 - (B) have a status of forces agreement, or a memorandum of understanding, with the FGS to serve the purposes of Resolution 2662, and have informed the Committee about concluding such an agreement or memorandum;”.

- (5) Section 10(2)—

Repeal paragraph (f).

- (6) Section 10(2)(ga)—

Repeal

everything after “of”

Substitute

“Somalia’s security and police institutions to provide security for the Somali people.”.

Section 6

(7) Section 10(2)—

Repeal paragraph (i).

(8) Section 10—

Repeal subsection (4).

6. Section 11 amended (licence for making available or dealing with economic assets)

(1) Section 11(2)—

Repeal paragraph (e)

Substitute

“(e) the economic assets are to be provided, processed or paid by a permitted person and such provision, processing or payment is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs;

(f) the economic assets are for the provision of goods and services by a permitted person necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.”.

(2) Section 11(5), English text—

Repeal

everything after “met,”

Substitute

“before granting the licence, the Chief Executive must cause the Committee to be notified of the intention to grant the licence.”.

(3) After section 11(5)—

Add

“(6) In this section—

permitted person (獲准人士) means—

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialized agencies and related organizations;
- (b) international organizations;
- (c) humanitarian organizations having observer status with the United Nations General Assembly and members of those humanitarian organizations;
- (d) bilaterally or multilaterally funded non-governmental organizations participating in—
 - (i) the United Nations Humanitarian Response Plans or Refugee Response Plans;
 - (ii) other United Nations appeals; or
 - (iii) humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs;
- (e) the employees, grantees, subsidiaries or implementing partners of the organizations mentioned in paragraphs (a), (b), (c) and (d) while and to the extent that they are acting in those capacities; or

United Nations Sanctions (Somalia) Regulation 2019 (Amendment) Regulation
2023

L.N. 22 of 2023

Section 6

B239

- (f) appropriate others as added by any individual committees established by the Security Council within and with respect to their respective mandates.”.

John KC LEE
Chief Executive

28 February 2023

Explanatory Note

This Regulation amends the United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537 sub. leg. CG) to give effect to certain decisions in Resolution 2662 (2022) adopted by the Security Council of the United Nations (*Security Council*) on 17 November 2022 in respect of Somalia, as modified by Resolution 2664 (2022) adopted by the Security Council on 9 December 2022.

2. The amendments relate to the prohibition against—
 - (a) the provision of the technology required for the production or use of certain improvised explosive devices components; and
 - (b) entry into or transit through the HKSAR by certain persons.
3. The amendments also relate to the requirements of the licences for—
 - (a) the supply, sale, transfer or carriage of weapons or military equipment to Somalia;
 - (b) the provision of technical advice, financial or other assistance, or training, related to military activities;
 - (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
 - (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities.
4. The Regulation also makes certain minor textual amendments.