

L.N. 165 of 2013

**United Nations Sanctions (Somalia) (Amendment) (No. 2)
Regulation 2013**

(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 amended

The United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) is amended as set out in sections 2 to 6.

2. Section 1 amended (interpretation)

(1) Section 1—

(a) definition of *Resolution 1744*;

(b) definition of *Resolution 1772*—

Repeal the definitions.

(2) Section 1—

Add in alphabetical order

“*Resolution 2111* (《第2111號決議》) means Resolution 2111 (2013) adopted by the Security Council on 24 July 2013;”.

3. Section 8 amended (licence for supply, sale, transfer or carriage of certain goods)

(1) Section 8(2)(b)—

Repeal

“, as approved in advance by the Committee”.

(2) Section 8(2)(c)—

Repeal

“the mission established under paragraph 4 of Resolution 1744”

Substitute

“AMISOM”.

- (3) Section 8(2)(d)—

Repeal

“purpose of helping develop security sector institutions, consistent with the political process set out in paragraphs 1, 2, 3, 4 and 5 of Resolution 1772”

Substitute

“purposes of helping develop Somali security sector institutions”.

- (4) Section 8(2)(e)—

Repeal

“2093, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somalia people”

Substitute

“2111, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people”.

- (5) Section 8(2)(f), after “2012”—

Add

“(or subsequent African Union strategic concepts)”.

- (6) Section 8(2)(g)—

Repeal

“the United Nations Political Office for Somalia or its successor mission.”

Substitute

“the United Nations Assistance Mission in Somalia;”.

(7) After section 8(2)(g)—

Add

- “(h) the prohibited goods are any of the items covered by the Annex to Resolution 2111 and to be supplied to the Federal Government of Somalia, as approved in advance by the Committee on a case-by-case basis;
- (i) the prohibited goods are intended solely for the support of or use by the European Union Training Mission in Somalia;
- (j) the prohibited goods are intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of the Federal Government of Somalia for which it has notified the Secretary-General of the United Nations.”.

(8) Section 8—

Repeal subsection (3)

Substitute

“(3) If the Chief Executive determines that—

- (a) the requirement in subsection (2)(b) is met, the Chief Executive must cause the Committee to be notified of the determination 5 days before granting a licence under subsection (1);
- (b) the requirement in subsection (2)(d) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and

- (ii) must grant the licence in the absence of a negative decision by the Committee within 5 working days of receiving the notification.”.

4. Section 9 amended (licence for provision of certain advice, assistance or training)

- (1) Section 9(2)(a)—

Repeal

“the mission established under paragraph 4 of Resolution 1744”

Substitute

“AMISOM”.

- (2) Section 9(2)—

Repeal paragraph (b)

Substitute

“(b) the assistance or training is technical assistance or training intended solely for the purposes of helping develop Somali security sector institutions;”.

- (3) Section 9(2)—

Repeal paragraph (c)

Substitute

“(c) the advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people;”.

- (4) Section 9(2)(d), after “2012”—

Add

“(or subsequent African Union strategic concepts)”.

- (5) Section 9(2)(e)—

Repeal

“the United Nations Political Office for Somalia or its successor mission.”

Substitute

“the United Nations Assistance Mission in Somalia;”.

- (6) After section 9(2)(e)—

Add

“(f) the assistance or training is technical training or assistance intended solely for the support of or use by the European Union Training Mission in Somalia.”.

5. Section 10 amended (licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities)

- (1) Section 10(2)(c)(ii)—

Repeal

“judgment.”

Substitute

“judgment;”.

- (2) After section 10(2)(c)—

Add

“(d) the funds or other financial assets or economic resources are necessary to ensure timely delivery of urgently needed humanitarian assistance in Somalia by—

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- (i) the United Nations, its specialized agencies or programmes, or humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance; or
 - (ii) their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Consolidated Appeal for Somalia.”.

6. Section 32 amended (duration)

(1) Section 32—

Renumber the section as section 32(1).

(2) After section 32(1)—

Add

“(2) Section 10(2)(d) expires at midnight on 24 October 2014.”.

C. Y. LEUNG
Chief Executive

22 October 2013

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2111 (2013) as adopted by the Security Council of the United Nations on 24 July 2013 by amending the licensing requirements for—

- (a) the supply, sale, transfer or carriage of certain goods;
- (b) providing certain advice, assistance or training;
- (c) making available funds or other financial assets or economic resources to certain persons or entities; and
- (d) dealing with funds or other financial assets or economic resources of certain persons or entities.