
STATUTORY INSTRUMENTS

2020 No. 642

The Somalia (Sanctions) (EU Exit) Regulations 2020

PART 1

General

Purposes

4.—(1) The regulations contained in this instrument that are made under section 1 of the Act have the following purposes—

- (a) compliance with the relevant UN obligations, and
 - (b) the additional purposes mentioned in paragraph (2).
- (2) Those additional purposes are—
- (a) promoting the peace, stability and security of Somalia;
 - (b) supporting the Federal Government of Somalia to promote peace, stability, security and the rule of law, including, in particular, supporting its efforts to reconstruct the country, to counter the threats posed by terrorism and from illegal armed groups, and to tackle the flow of illegal arms;
 - (c) promoting the effective delivery of the mandates of the regional and international monitoring, peace-support and protection and training missions and mechanisms in Somalia including—
 - (i) the African Union Mission in Somalia(1) and the Civilian Casualty Tracking, Analysis and Response Cell(2),
 - (ii) the United Nations Assistance Mission in Somalia(3),
 - (iii) the United Nations Support Office in Somalia(4),
 - (iv) the European Union Training Mission in Somalia(5), and

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- (1) Establishment of the African Union Mission in Somalia (AMISOM) was authorised by paragraph 3 of resolution 1725 adopted by the Security Council on 6 December 2006 and its mandate was set out in paragraph 9 of resolution 1772 adopted by the Security Council on 20 August 2007. Its mandate was most recently renewed by paragraph 7 of resolution 2472 adopted by the Security Council on 31 May 2019.
- (2) The Civilian Casualty Tracking, Analysis and Response Cell (CCTARC) was established by AMISOM pursuant to a commitment referenced in paragraph 17 of resolution 2036 adopted by the Security Council on 22 February 2012.
- (3) The United Nations Assistance Mission in Somalia (UNSOM) was established by paragraph 1 of resolution 2102 adopted by the Security Council on 2 May 2013 and its mandate was updated in subsequent resolutions. Its current mandate was extended to 30 June 2020 by paragraph 1 of resolution 2516 adopted by the Security Council on 30 March 2020.
- (4) The United Nations Support Office in Somalia (UNSOS) was established by paragraph 1 of resolution 2245 adopted by the Security Council on 9 November 2015 and the scope of the support provided by UNSOS was most recently amended in resolution 2472 adopted by the Security Council on 31 May 2019.
- (5) The European Union Training Mission in Somalia (EUTM Somalia) was established by Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somalia security forces. The mandate of the mission was extended until 31 December 2020 by Article 1 of Council Decision (CFSP) 2018/1787.

- (v) the Panel of Experts on Somalia⁽⁶⁾;
- (d) promoting respect for humanitarian assistance activities in Somalia;
- (e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Somalia;
- (f) promoting respect for human rights in Somalia, including, in particular, respect for—
 - (i) the right to life of persons in Somalia;
 - (ii) the right of persons in Somalia not to be held in slavery or required to perform forced or compulsory labour;
 - (iii) the right of persons not to be subjected to cruel, inhuman or degrading treatment or punishment in Somalia;
 - (iv) the right to liberty and security of persons in Somalia, including freedom from arbitrary arrest, unlawful detention or enforced disappearance;
 - (v) the right to a fair trial of persons charged with criminal offences in Somalia;
 - (vi) the right of journalists, human rights defenders, civil society activists and other persons in Somalia to freedom of expression and peaceful assembly;
 - (vii) the enjoyment of rights and freedoms in Somalia without discrimination, including on the basis of a person's sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status,
 otherwise than by compliance with the relevant UN obligations.
- (3) In this regulation, "the relevant UN obligations" means the obligations that the United Kingdom has by virtue of—
 - (a) paragraph 5 of resolution 733 (arms embargo);
 - (b) paragraph 3 of resolution 1844 (asset-freeze etc.) to take the measures required by that provision in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;
 - (c) the obligations that the United Kingdom has by virtue of paragraph 3 of resolution 1844 (asset-freeze etc.) in respect of persons—
 - (i) acting on behalf of or at the direction of, or
 - (ii) owned or controlled by,
 the persons for the time being named by the Security Council or the Committee for the purposes of paragraph 3 of resolution 1844;
 - (d) paragraph 7 of resolution 1844 (targeted arms embargo) to take the measures required by that provision in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;
 - (e) paragraph 22 of resolution 2036 (charcoal ban); and
 - (f) paragraph 26 of resolution 2498 (IED components ban).
- (4) In paragraph (3)(a), the reference to paragraph 5 of resolution 733 is to that provision as read with—
 - (a) paragraphs 1 and 2 of resolution 1425, and
 - (b) paragraph 6 of resolution 2498.

(6) The Panel of Experts on Somalia was established by paragraph 11 of resolution 2444 adopted by the Security Council on 14 November 2018. Its mandate was extended to 15 December 2020 by paragraph 29 of resolution 2498 adopted by the Security Council on 15 November 2019.

(5) In paragraphs (3)(b) to (d), any reference to persons named by the Security Council or Committee for the purposes of a provision mentioned therein includes persons so named by virtue of—

- (a) paragraph 8 of resolution 1844;
- (b) paragraphs 1, 2 and 3 of resolution 2002;
- (c) paragraph 23 of resolution 2036;
- (d) paragraph 1, 2 and 3 of resolution 2060;
- (e) paragraph 43 of resolution 2093; and
- (f) paragraph 50 of resolution 2444.