



Charter of the United Nations (Sanctions—Somalia) Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 246, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Charter of the United Nations Act 1945*.

Dated 21 November 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Julie Bishop
Minister for Foreign Affairs

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No. 246, 2013 *Charter of the United Nations (Sanctions—Somalia) Amendment
Regulation 2013 (No. 1)* *i*

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1 Name of regulation

This regulation is the *Charter of the United Nations (Sanctions—Somalia) Amendment Regulation 2013 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Charter of the United Nations Act 1945*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Charter of the United Nations (Sanctions—Somalia) Regulations 2008

1 Regulation 4 (definition of *designated person or entity*)

Omit “of the United Nations”.

2 Regulation 4 (definitions of *Resolution 733* and *Resolution 751*)

Omit “of the United Nations”.

3 Regulation 4 (definitions of *Resolution 1356*, *Resolution 1425*, and *Resolution 1744*)

Repeal the definitions.

4 Regulation 4 (definitions of *Resolution 1844* and *Resolution 1846*)

Omit “of the United Nations”.

5 Regulation 4 (definitions of *Resolution 1851*, *Resolution 1916*, *Resolution 2060* and *Resolution 2093*)

Repeal the definitions.

6 Regulation 4

Insert:

Resolution 2111 means Resolution 2111 of the Security Council,
adopted on 24 July 2013.

7 Regulation 4 (definitions of *sanctioned service* and *sanctioned supply*)

Omit “in”, substitute “by”.

8 Regulation 5

Omit “For”, substitute “In”.

9 Regulation 5A

Repeal the regulation, substitute:

5A Prohibited supply to a designated person or entity

In these Regulations, *prohibited supply to a designated person or entity* means the direct or indirect supply, sale or transfer to a designated person or entity of export sanctioned goods.

10 Regulation 6

Omit “A”, substitute “In these Regulations, a”.

11 Regulations 6A, 7 and 7A

Omit “For”, substitute “In”.

12 Subregulation 8(1A) (note)

Repeal the note.

13 Subregulation 8(5) (paragraph (b) of the definition of *authorised supply*)

Repeal the paragraph, substitute:

- (b) for a supply, sale or transfer in or from a foreign country—a permit:
 - (i) granted by the foreign country; and
 - (ii) properly granted by the foreign country; and
 - (iii) granted in accordance with the foreign country’s obligations under Resolution 733 and any other relevant resolution of the Security Council.

Note: Other relevant resolutions could in 2013 be viewed on the website of the United Nations (www.un.org).

14 Subregulations 8(6) and (7)

Omit “authorised supply”, substitute “*authorised supply*”.

15 Subregulations 9(2) to (4)

Repeal the subregulations, substitute:

- (2) The Minister may grant a permit only if:

Schedule 1 Amendments

- (a) the sanctioned supply is intended solely for a purpose mentioned in column 1 of the following table; and
 (b) any notification or approval requirement mentioned in column 2 of the table has been met.

Permit requirements		
Item	Column 1 Purpose of supply	Column 2 Notification or approval
1	The development of the Security Forces of the Federal Government of Somalia, to provide security for the Somalian people	Either: (a) notification in advance to the Committee; or (b) for a supply of goods listed in the annex to Resolution 2111—approval in advance by the Committee
2	For a supply by a Member State or an international, regional or subregional organisation (a <i>supplying entity</i>)—helping develop Somali security sector institutions	Both: (a) notification in advance to the Committee by the supplying entity; and (b) no negative decision by the Committee within 5 working days of receiving the notification mentioned in paragraph (a)
3	The support of, or use by, United Nations personnel, including the United Nations Assistance Mission in Somalia	No requirement
4	The support of, or use by, the African Union Mission in Somalia (<i>AMISOM</i>)	No requirement
5	The support of, or use by, AMISOM’s strategic partners, operating: (a) solely under the African Union Strategic Concept of 5 January 2012 or subsequent African Union strategic concepts; and (b) in cooperation and coordination	No requirement

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Permit requirements		
Item	Column 1	Column 2
	Purpose of supply	Notification or approval
	with AMISOM	
6	The support of, or use by, the European Union Training Mission in Somalia	No requirement
7	The use by Member States and international, regional and subregional organisations undertaking measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia, if: (a) the Federal Government of Somalia requests the measures, and has notified the Secretary-General of the United Nations of the request; and (b) the measures are consistent with applicable international humanitarian and human rights law	No requirement
8	For a supply of protective clothing temporarily exported to Somalia—the personal use of: (a) a member of the personnel of the United Nations; or (b) a representative of the media; or (c) a humanitarian or development worker or an associated person	No requirement
9	For a supply of non-lethal military equipment—humanitarian or protective use	Notification in advance to the Committee

(3) A permit is subject to any conditions specified in the permit.

16 Subregulation 10(1A) (note)

Repeal the note.

17 Subregulation 10(4) (paragraph (b) of the definition of *authorised service*)

Repeal the paragraph, substitute:

- (b) for a service provided in or from a foreign country—a permit:
 - (i) granted by the foreign country; and
 - (ii) properly granted by the foreign country; and
 - (iii) granted in accordance with the foreign country’s obligations under Resolution 733 and any other relevant resolution of the Security Council.

Note: Other relevant resolutions could in 2013 be viewed on the website of the United Nations (www.un.org).

18 Subregulations 10(5) and (6)

Omit “authorised service”, substitute “*authorised service*”.

19 Subregulations 11(2) to (4)

Repeal the subregulations, substitute:

- (2) The Minister may grant a permit only if:
 - (a) the sanctioned service is intended solely for a purpose mentioned in column 1 of the following table; and
 - (b) any notification or approval requirement mentioned in column 2 of the table has been met.

Permit requirements

Item	Column 1 Purpose of service	Column 2 Notification or approval
1	The development of the Security Forces of the Federal Government of Somalia, to provide security for the Somali people	Notification in advance to the Committee
2	For a service provided by a Member State or an international, regional or subregional organisation (a <i>supplying entity</i>)—helping develop Somali security sector institutions	Both: (a) notification in advance to the Committee by the supplying entity; and (b) no negative decision by the Committee within 5 working

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Permit requirements		
Item	Column 1 Purpose of service	Column 2 Notification or approval days of receiving the notification mentioned in paragraph (a)
3	The support of, or use by, United Nations personnel, including the United Nations Assistance Mission in Somalia	No requirement
4	The support of, or use by, the African Union Mission in Somalia (<i>AMISOM</i>)	No requirement
5	The support of, or use by, AMISOM's strategic partners, operating: (a) solely under the African Union Strategic Concept of 5 January 2012 or subsequent African Union strategic concepts; and (b) in cooperation and coordination with AMISOM	No requirement
6	The support of, or use by, the European Union Training Mission in Somalia	No requirement
7	For a service provided in accordance with paragraph 5 of Resolution 1846—enhancing the capacity of Somalia and nearby coastal States to ensure coastal and maritime security, including by combating piracy and armed robbery at sea off the coastlines of those States	No requirement

(3) A permit is subject to any conditions specified in the permit.

20 Paragraph 13(1)(b)

Repeal the paragraph, substitute:

(b) the making available of the asset:

- (i) is not authorised by a permit under regulation 15; or
- (ii) does not occur in a circumstance described in paragraph 22 of Resolution 2111.

Note: The circumstances described in paragraph 22 of Resolution 2111 are “the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Consolidated Appeal for Somalia”.

21 Subregulation 13(1) (note)

Repeal the note.

22 Subregulation 13(1AA) (note)

Repeal the note.

23 Subregulation 13(1A)

Omit “paragraph 5 of Resolution 1916”, substitute “paragraph 22 of Resolution 2111”.

24 Paragraph 14(1)(c)

Repeal the paragraph, substitute:

- (c) the use of or dealing with the asset:
 - (i) is not authorised by a permit under regulation 15; or
 - (ii) does not occur in a circumstance described in paragraph 22 of Resolution 2111.

Note: The circumstances described in paragraph 22 of Resolution 2111 are “the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Consolidated Appeal for Somalia”.

25 Subregulation 14(1) (note)

Repeal the note.

26 Subregulation 14(1AA) (note)

Repeal the note.

27 Subregulation 14(1A)

Omit “paragraph 5 of Resolution 1916”, substitute “paragraph 22 of Resolution 2111”.

28 Subregulation 15(2)

Omit “Charter of the United Nations (Dealing with Assets) Regulations 2008”, substitute “*Charter of the United Nations (Dealing with Assets) Regulations 2008*”.