

SECURITY COUNCIL COMMITTEE
PURSUANT TO RESOLUTION 751 (1992)
CONCERNING SOMALIA

**GUIDELINES OF THE COMMITTEE FOR THE CONDUCT OF ITS WORK
as consolidated, revised and adopted by the Committee on 30 March 2010, 30 May 2013,
27 November 2013, 25 March 2014, 28 December 2016, 22 December 2017 and 25 February 2019**

1. The Somalia Sanctions Committee

- (a) The Security Council Committee pursuant to resolutions 751 (1992) concerning Somalia shall hereinafter be referred to as “the Committee”.
- (b) The Committee is a subsidiary organ of the Security Council and will consist of all Members of the Council.
- (c) The Chair of the Committee will be appointed by the Security Council to serve in his/her personal capacity. The Chair will be assisted by two delegations who will act as Vice-Chairs, and who will also be appointed by the Security Council.
- (d) The Chair will chair formal meetings and informal consultations of the Committee. When s/he is unable to chair a meeting, s/he will nominate one of the Vice-Chairs or another representative of his/her Permanent Mission to act on his/her behalf.
- (e) The Secretariat of the United Nations will provide the Committee with secretariat support.

2. Mandate of the Committee

- (a) The mandate of the Committee is defined in 9 of resolution 2444 (2018) to include the tasks as set out in paragraph 11 of resolution 751 (1992), paragraph 11 of resolution 1844 (2008), and paragraph 23 of resolution 2036 (2012).
- (b) On the basis of the measures imposed by paragraph 5 of resolution 733 (1992), paragraphs 1, 3 and 7 of resolution 1844 (2008),

resolution 2244 (2015), paragraphs 2, 25 and 28 of resolution 2317 (2016), and paragraphs 2, 29 and 33 of resolution 2385 (2017), and paragraphs 14, 44, 48, 55 and 56 of resolution 2444 (2018), the Committee shall undertake the following tasks:

MEASURES IMPLEMENTATION

- (a) To monitor, with the support of the Panel of Experts, as established pursuant to paragraph 11 of resolution 2444 (2018) (“the Panel of Experts”), implementation of:
 - (i) The arms embargo on Somalia originally imposed by resolution 733 (1992), as elaborated and amended by resolution 1425 (2002), 1844 (2008), 2093 (2013), 2111 (2013), 2142 (2014), 2182 (2014), 2244 (2015), 2317 (2016), 2385 (2017), and 2444 (2018) (“Arms Embargo on Somalia”);
 - (ii) The targeted measures imposed by paragraphs 1, 3, and 7 of resolution 1844 (2008) (the “Travel Ban”, the “Assets Freeze”, and the “Targeted Ban on Arms Transfers”, respectively);
 - (iii) The measures imposed by paragraph 22 of resolution 2036 (2012) (the “Charcoal Ban”);
- (b) To seek from all Member States, in particular those in the region, information regarding the actions they have taken to implement effectively the Arms Embargo on Somalia, Travel Ban, Assets Freeze, Targeted Ban on Arms Transfers, Seizure and Disposal of Prohibited Items, and Charcoal Ban, as well as whatever further information it may consider useful;
- (c) To examine information regarding alleged violations of the Travel Ban, Assets Freeze, Targeted Ban on Arms Transfers, Arms Embargo on Somalia and Charcoal Ban, and take appropriate action if necessary;
- (d) To identify possible cases of non-compliance with the Travel Ban, Assets Freeze and Targeted Ban on Arms Transfers and Charcoal Ban, and determine the appropriate course of action on each case; and
- (e) In accordance with its mandate and in consultation with the Panel of Experts and other relevant United Nations entities, to consider the recommendations in the reports of the Panel of Experts and to recommend to the Security Council ways to improve the implementation of and compliance with the measures as enumerated in paragraph (a) above;

EXEMPTIONS TO THE MEASURES

- (f) To consider and decide upon notifications and requests for exemptions from the Arms Embargo on Somalia, as set out in paragraphs 7 and 11 (a) of resolution 2111 (2013) (the “Arms Embargo Exemptions”), as described in Section 10 below.

- (g) To receive, for information, notifications of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training

by the Committee (the List) in order to keep the List as updated and accurate as possible and confirm that the listings remain appropriate, pursuant to paragraph 11 (f) of resolution 1844 (2008), as described in Sections 5 and 9 below;

(o) To encourage Member States to provide any additional information whenever such information becomes available, pursuant to paragraph 11 (f) of resolution 1844 (2008);

(p) To make accessible on the Committee's website narrative summaries of reasons for listing for all entries on the List pursuant to paragraph 14 of resolution 1844 (2008), as described in Section 5, paragraph (d) and Section 6, paragraph (h) below;

(q) To keep these guidelines under active review in support of the objectives to continue to ensure that fair and clear procedures exist for placing individuals and entities on the List and for removing them as well as for granting humanitarian exemptions;

REPORTS

(r) To examine the Member States' reports submitted pursuant to paragraph 25 of resolution 1844 (2008) and paragraph 22 of resolution 2036 (2012), reports presented by the Panel of Experts and additional

4. Decision-making

(a) The Committee shall make decisions by consensus of its Members. If consensus cannot be reached on a particular issue, the Chair may undertake such further consultations as may facilitate agreement. If after these consultations, consensus still

(g) The Committee will review once a month, as necessary, the status of pending issues as updated by the Secretariat.

5. The List

(a) The Committee will maintain a list for individual and entities designated on the 1844 Sanctions List.

(b) The Committee will update regularly the List when it has agreed to include or

(d) Member States shall provide a detailed statement of case in support of the proposed listing that forms the basis or justification for the listing in accordance with the relevant Listing Criteria. Member States shall specify under which Listing Criteria they are submitting individuals or entities for designation. The statement of case should provide as much detail as possible on the basis for listing indicated above, including: (1) specific findings and reasoning demonstrating that the criteria are met; (2) the nature of the supporting evidence (e.g., intelligence, law enforcement, judicial, media, admissions by subject, etc.); and (3) supporting evidence or documents that can be supplied. States should include details of any connection with a currently listed individual or entity. States shall identify those parts of the statement of case that may be publicly released, including for the use by the Committee for development of the summary described in paragraph (h) below or for the purpose of notifying or informing the listed individual or entity of the listing, and those parts that may be released upon request to interested States.

(e) Proposed additions to the List shall include as much relevant and specific information as possible on a proposed name, in particular sufficient identifying information to allow for the positive identification of the individual or entity concerned by competent authorities, and to the extent possible, information required by INTERPOL to issue a Special Notice, including:

- For individuals: family name/surname, given names, other relevant names, date of birth, place of birth, nationality/citizenship, gender, aliases, employment/occupation, residence, addresses, passport or travel document (including date and place of issue as well as expiration date) and national identification numbers, current and previous addresses, website addresses, and current location;

- For entities: name, acronyms, address, headquarters, subsidiaries, affiliates, fronts, nature of business or activity, leadership, tax or other identification numbers and other names by which it is known or was formerly known, and website addresses.

(f) The Committee will consider expeditiously requests to update the List. If a proposal for listing is not approved within the decision-making period as set out in Section 4, paragraph (b) above, the Committee will provide feedback to the submitting State on the status of the request.

(g) In its communication to inform Member States of new entries to the List, the Secretariat shall include the publicly releasable portion of the statement of case.

(h) Following a new listing, the Committee, with the assistance of the Panel of Experts and in coordination with the relevant designating State(s), shall make accessible on the Committee's website a narrative summary of reasons for listing for the corresponding entry or entries on the List.

(i) The Secretariat shall, after

(f) For a deceased individual, the delisting request shall be submitted either directly to the Committee by a State, or through the Focal Point for Delisting by his/her legal beneficiary, together with an official documentation certifying that status. The statement of case supporting the delisting request shall include a death certificate or similar official documentation confirming the death whenever possible. The submitting State or the petitioner should also ascertain and inform the Committee whether or not any legal beneficiary of the deceased's estate or any joint owner of his /her assets is on the List.

(g) If a petitioner chooses to submit a petition to the Focal Point for Delisting, the Focal Point would perform the following tasks:

additional definite period of time, the Focal Point for Delisting will so notify all Members of the Committee and provide copies of the delisting request. Any Member of the Committee may, after consultation with the designating State(s), recommend delisting by forwarding the request to the Chair, accompanied by an explanation. (Only one Member of the Committee needs to recommend delisting in order to place the issue on the Committee's agenda). If after one month, no Committee Member recommends delisting, then it shall be deemed rejected and the Chair shall inform the Focal Point for Delisting accordingly;

ix. The Focal Point for Delisting shall convey all communications, which it receives from Member States, to the Committee for its information;

x. Inform the petitioner of the decision of the Committee to grant the delisting petition; or that the process of consideration of the delisting request within the Committee has been completed and that the petitioner remains on the list of the Committee.

xi. Where appropriate, the Focal Point for Delisting will inform the reviewing States of the outcome of the delisting petition.

(h) If the petitioner submits the petition to the State of residence or nationality, the procedure outlined in the subparagraphs below shall apply:

i. The State to which a petition is submitted (the petitioned State) should review all relevant information and then approach bilaterally the designating State(s) to seek additional information and to hold consultations on the delisting request;

ii. The designating State(s) may also request additional information from the petitioner's State of nationality or residence. The petitioned and the designating State(s) may, as appropriate, consult with the Chair during the course of any such bilateral consultations;

iii. If, after reviewing any additional information, the petitioned State wishes to pursue a delisting request, it should seek to persuade the designating State(s) to submit jointly or separately a request for delisting to the Committee. The petitioned State may, without an accompanying request from the designating State(s), submit a request for delisting to the Committee, pursuant to the no-objection procedure;

iv. Where appropriate, the Chair will inform the reviewing States of the outcome of the delisting petition.

(i) The Secretariat shall, within one week after a name is removed from the List, notify the Permanent Mission of the State or States where the individual or entity is

believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known). The letter shall remind States receiving such notification that they are required to take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner.

(j) The Secretariat will also concurrently request INTERPOL to cancel the INTERPOL-UNSC Special Notice for the relevant name.

8. Updating the Existing Information on the List

(a) The Committee shall consider, in accordance with the following procedures, updating the List with any information supplied by Member States, regional or international organisations, or the Panel of Experts, in particular additional identifying information and other information, along with supporting documentation, including updates on the operating status of listed individuals and the movement, incarceration or death of listed individuals and other significant events, as such information becomes available, and shall decide which information would further clarify the existing information on the List.

(b) The Committee may approach the designating State and consult with it on the

10. Exemptions from the Arms Embargo on Somalia

Requests for Committee's approval

(a) The Committee shall consider and decide upon requests for exemptions to the Arms Embargo on Somalia as set out in paragraph 7 and of resolution 2111 (2013) (“Requests”);

(b)

- i. The type and technical specification of the equipment and/or technical assistance and training;
- ii. The intended recipient and end-user of the equipment and/or of the technical assistance and training;
- iii. The means of transport to be used for the supply of the equipment;
- iv. The port of entry into Somalia.

(h) The Secretariat will immediately acknowledge receipt of such Notifications, indicating when the Committee is expected to make a decision. The Chair shall circulate to the Committee Members, under a five-working day no objection time period, all Notifications received. The Committee, through its Chair, will inform the notifying Member State or international, regional or sub-regional organisation or agency if a negative decision has been taken regarding the notification. Should no negative decision be taken by the Committee within the specified period, the Committee, through its Chair, will inform the notifying Member State, or the international, regional or sub-regional organisation or agency thereof. The Committee must make a negative decision on such

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- i. Details of the manufacturer and supplier of the arms and ammunition;
- ii. A description of the arms and ammunition to be delivered, including the type, calibre and quantity;
- iii. The proposed date of delivery;
- iv. The specific place of delivery;
- v. All relevant information concerning the intended destination unit in the Somali National Security Forces, or the intended place of storage.

(1) Pursuant to paragraph 6 of resolution 2142 (2014), the Federal Government of Somalia shall, no later than 30 days after the delivery of arms or ammunition, notified pursuant to paragraph 9 of resolution 2385 (2017) Setoraveantn 3J 0 Tc 0 Tw -30ro pa<</MCID-4 (om)-2

- basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

- payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

- fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources.

- under extraordinary expenses exemption:

- extraordinary expenses (other categories than the ones mentioned under paragraph 4(a) of resolution 1844 (2009).

- iv. amount of instalment

- v. number of instalments

- vi. payment starting date

- vii. bank transfer or direct debit

- viii. interests

- ix. specific funds being unfrozen

- x. other information.

(e) Pursuant to paragraph 5 (c) of resolution 1844 (2008), States may allow for the addition to accounts subject to the Assets Freeze of:

- i. interest or other earnings due on those accounts, or

- ii. payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the Assets Freeze, or

- iii. any payment in favour of listed individuals or entities, provided that any such interest, other earnings and payments continue to be subject to the Assets Freeze.

12. Exemptions from the Travel Ban

(a) The Committee will determine whether the travel is justified on the basis of the provisions of paragraph 2 (a) of resolution 1844 (2008), or where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace, security and stability in the region.

(b) Each request for exemption must be submitted in writing, on behalf of the listed individual, to the Chair. The States that may submit a request through their Permanent Mission to the United Nations are the State(s) of destination, the State(s) of transit, the State of nationality, and the State of residence. If no effective central government exists in the country in which the listed individual is located, a United Nations office or agency in that country may submit the request for exemption on the listed individual's behalf.

(c) Each request for exemption shall be received by the Chair as early as possible but not less than fifteen working days before the date of the proposed travel, except where humanitarian consideration require a shorter period. The Committee will consider the exemption request within a period of five full working days following the procedures described under 4 (b) above. In urgent situations, on humanitarian grounds, the Chair

listed individual has stated he will be resident after completion of the exempted travel.

(g) Notwithstanding any exemption from the Travel Ban, listed individuals remain subject to the Assets Freeze and the Targeted Ban on Arms Transfers.

(h) Any changes to the information provided under paragraph (d) above, including with regard to points of transit, shall require further consideration by the Committee and shall be received by the Chair no less than five working days prior to the commencement of the travel.

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13. Other Information Supplied to the Committee

- (a) The Committee will consider other information relevant to its work, including possible non-compliance with the measures imposed by the relevant resolutions, received from different sources through Member States, international or regional organisations or the Panel of Experts. The Committee will make an appeal to all States, as well as to international or regional organisations, to that effect, advising them to submit their information in communications addressed to the Chair in writing, under assurance of confidentiality. The Committee may renew the appeal as occasion warrants.
- (b) The information received by the Committee will be kept confidential if the provider so requests or if the Committee so decides.
- (c) With a view to assisting States in their endeavour to implement the Arms Embargo on Somalia, the Assets Freeze, the Travel Ban, the Targeted Ban on Arms Transfers and the Charcoal Ban, the Committee may decide to supply information forwarded to it relating to possible non-compliance to the States concerned, and ask any such State to report to the Committee subsequently on any follow-up action undertaken.
- (d) The Committee will provide Member States with an opportunity to send representatives to meet the Committee for more in-depth discussion of relevant issues or to give voluntary briefings on their efforts to implement the measures, including particular challenges that hinder full implementation of the measures.
- (e) The Secretariat may forward to the Committee any information from published sources, including radio, television broadcasts and the Internet, relating to violations or alleged violations of the Arms Embargo on Somalia, the Assets Freeze, the Travel Ban, the Targeted Ban on Arms Transfers or the Charcoal Ban.

14. Outreach

- (a) In order to enhance the dialogue with Member States and to publicise the work of the Committee, the Chair will on a regular basis hold briefings for all interested Member States, as well as brief interested Member States and the press following formal meetings of the Committee, unless the Committee decides otherwise. In addition, the Chair may, after prior consultations and with the approval of the Committee, hold press conferences and/or issue press releases on any aspect of the Committee's work.
- (b) The Secretariat shall maintain a website for the Committee which should include all public documents relevant to the Committee's work, including the List, relevant resolutions, public reports of the Committee, relevant press releases, reports submitted by Member States pursuant to paragraph 25 of resolution 1844 (2008) and paragraph 22 of resolution 2036 (2012) and reports of the Panel of Experts. Information on the website should be updated in an expeditious manner.

(c) The Committee may consider, as appropriate, visits by the Chair and/or Committee Members to selected countries to enhance the full and effective implementation of the measures referred to above, with a view to encouraging States to comply fully with the relevant resolutions:

i. The Committee shall consider and approve the proposal to visit selected countries, and coordinate such visits with the other subsidiary organs of the Security Council as appropriate.

ii. The Chair will contact the selected countries through their Permanent Missions in New York, and will also send letters seeking their prior consent and explaining the objectives of the trip.

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