



## SNAPSHOT

# AL-SHABAAB SANCTIONS FRAMEWORK

### Why are sanctions imposed?

In 1992, the United Nations Security Council (UNSC), pursuant to resolution 751, imposed sanctions in relation to Somalia in response to the heavy loss of human life and widespread material damage resulting from the conflict in the country. The Council has amended and renewed the sanctions framework in several subsequent UNSC resolutions. In 2022 the UNSC renamed the UNSC Committee concerning Somalia established in 1992 the 'Security Council Committee pursuant to resolution 751 (1992) concerning 'Al-Shabaab'. Al-Shabaab is a religiously motivated violent extremist organisation based in Somalia. It is a listed terrorist organisation under the *Criminal Code Act 1995*.

Australia implements the UNSC sanctions concerning Al-Shabaab by incorporating them into Australian law.

### What is prohibited by the Al-Shabaab sanctions framework?

The Al-Shabaab sanctions framework imposes the following sanctions measures:

| Sanctions measures                                                        | Sanctions imposed by |
|---------------------------------------------------------------------------|----------------------|
| restrictions on supplying weapons or military equipment                   | UNSC                 |
| restrictions on the provision of certain services                         | UNSC                 |
| restrictions on the import of charcoal                                    | UNSC                 |
| restrictions on providing assets to designated persons or entities        | UNSC                 |
| restrictions on providing services to designated person or entities       | UNSC                 |
| restrictions on dealing with the assets of designated persons or entities | UNSC                 |
| travel bans on designated persons                                         | UNSC                 |

### Restrictions on supplying weapons or military equipment

It is prohibited to do the following without a permit:

- directly or indirectly supply, sell or transfer weapons or military equipment to Somalia.

Weapons or military equipment includes, but is not limited to, weapons, ammunition, military vehicles and equipment, paramilitary equipment and spare parts for any of those things. While each case will be considered individually, goods on the [Defence and Strategic Goods List](#) are likely to be considered weapons or military equipment. Depending on the context, including the end-user and the end-use, other goods may also be considered weapons or military equipment.

### Restriction on providing certain services

To complement the restrictions on supplying arms or related matériel, providing services that relate to those sanctioned goods is also restricted. Specifically, it is prohibited to directly or indirectly provide to a designated person or entity in Somalia:

- technical advice, financial or other assistance or training in relation to military activities
- financing to for the purchase or delivery of weapons or military equipment.

## Restrictions importing charcoal

It is prohibited to import charcoal from Somalia or from a person or entity in Somalia. No permit is available to authorise this import.

## Restrictions on providing assets to designated persons or entities

It is prohibited to directly or indirectly make an asset available to, or for the benefit of, a designated person or entity in Somalia. It is not possible to grant a permit authorising the provision of assets to or for the benefit of such persons and entities where the assets in question are weapons or military equipment.

## Restrictions on providing services to designated persons or entities

It is prohibited to directly or indirectly provide assistance (including technical or financial) or training to designated persons and entities where these services relate to military activities, or the supply, sale, transfer, manufacture or use of weapons or military equipment. It is not possible to grant a permit for the provision of these services to designated persons and entities.

## Restrictions on dealing with the assets of designated persons or entities (requirement to freeze assets)

It is prohibited to use or deal with an asset or allow or facilitate another person to use or deal with an asset owned or controlled by a designated person or entity (the assets are 'frozen' and cannot be used or dealt with). The prohibition on 'dealing' with assets includes using, selling or moving assets. 'An 'asset' includes property of any kind, whether tangible or intangible, movable or immovable.

Go to the [Consolidated List](#) to search the names of designated persons and entities.

If you become aware that you are holding an asset of a designated person or entity, you are required to freeze (hold) that asset and notify the AFP as soon as possible.

## Travel bans

Persons designated pursuant to the Al-Shabaab sanctions framework are prohibited from transiting through or entering Australia, without UNSC authorisation.

## Who must comply with sanctions?

Australian sanction laws apply to activities in Australia and to activities undertaken overseas by Australian citizens and Australian-registered bodies corporate. In some circumstances, it may be possible to obtain a permit from the Minister for Foreign Affairs to engage in an activity that would otherwise be prohibited by a sanctions measure. Information on planning an activity and submitting an application for a [sanctions permit](#) is available on the DFAT website. It is a serious criminal offence to contravene a sanctions measure (or a condition of a sanctions permit). The penalties include up to ten years in prison and substantial fines.

## Relevant legislation

The relevant legislation for the Somalia sanctions framework includes the following:

- [Charter of the United Nations Act 1945](#)
- [Charter of the United Nations \(Dealing with Assets\) Regulations 2008](#)
- [Charter of the United Nations \(Sanctions — Al-Shabaab\) Regulations 2008](#)
- [Autonomous Sanctions Regulations 2011](#)

- [Migration \(United Nations Security Council Resolutions\) Regulations 2007](#)

## Other Resources

- [UN Security Council Resolutions relating to the Somalia sanctions framework](#)
- [UNSC Al-Shabaab Sanctions Committee](#)
- [DFAT country page for Somalia](#)

## Where can I get more information?

[Australia and sanctions](#) webpage.

Enquiries can be made to DFAT by emailing [sanctions@dfat.gov.au](mailto:sanctions@dfat.gov.au)

DFAT maintains a [mailing list](#) for people interested in receiving updates on Australian sanctions laws.

This document provides a summary only of relevant sanctions laws. It should not be relied upon as a substitute for legal advice. It is your responsibility to ensure you do not contravene sanctions law, including by obtaining your own legal advice.