



SNAPSHOT

SOMALIA SANCTIONS REGIME

Why are sanctions imposed?

In 1992, the United Nations Security Council (UNSC) imposed sanctions in relation to Somalia in response to the conflict in Somalia, the heavy loss of life and the resulting widespread damage. The sanctions regime has been amended and renewed by several subsequent UNSC resolutions.

Australia implements the UNSC sanctions concerning Somalia by incorporating them into Australian law.

What is prohibited by the Somalia sanctions regime?

The Somalia sanctions regime imposes four sanctions measures:

Measure	UNSC	Autonomous
restrictions on supplying weapons or military equipment	✓	
restrictions on the import of charcoal	✓	
restrictions on dealing with designated persons or entities	✓	
travel bans on designated persons	✓	

Restrictions on supplying weapons or military equipment

The Somalia sanctions regime imposes an arms embargo. It is prohibited to do the following without a permit:

- directly or indirectly supply, sell or transfer weapons or military equipment to Somalia
- directly or indirectly provide technical advice, financial or other assistance or training in relation to military activities to Somalia
- provide financing to Somalia for the purchase or delivery of weapons or military equipment.

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. It also includes paramilitary equipment. 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, end-user and end-use, other goods may also be considered weapons or military equipment.

The Minister may grant a permit with respect to the supply of goods or services:

- intended for the development of the Security Forces of the Federal Government of Somalia; or the support of or use by United Nations personnel, AMISOM or its strategic partners, EUTM in Somalia or Member States or certain international organisations to suppress piracy or armed robbery off Somalia's coast; or
- by a Member State or certain international organisations intended solely for humanitarian or protective use or for helping to develop the Somalia security sector.

A permit may also be granted to UN personnel, media or humanitarian and development workers to bring protective clothing to Somalia for their personal use. In some cases, it is a requirement to give notice to the UNSC Committee in relation to the supply of the goods or services.

Restrictions on the import of 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 dealing with designated persons or entities

For the purposes of the Somalia sanctions regime, the UNSC's Somalia Sanctions Committee has designated the entity Al-Shabaab, senior Al-Shabaab members and supporters of Al-Shabaab, as well as other individuals whose conduct has contributed to the conflict in Somalia.

It is prohibited to:

- directly or indirectly make an asset available to (or for the benefit of) a designated person or entity (unless authorised by a permit or an exception applies)
- use or deal with an asset, or allow or facilitate another person to use or deal with an asset, if the asset is directly or indirectly owned or controlled by a designated person or entity or a person or entity acting on behalf of or at the direction of a designated person or entity (unless authorised by a permit or an exception applies). These assets are effectively 'frozen' and cannot be used or dealt with.
- directly or indirectly supply, sell or transfer weapons and military equipment to a designated person or entity. No permit is available to authorise this transaction.
- directly or indirectly provide to a designated person or entity, certain types of assistance, training or services that relate to:
 - military activities, or
 - the supply, sale, transfer, manufacture, maintenance or use of weapons or military equipment. No permit is available to authorise such transactions.

An 'asset' includes an asset or property of any kind, whether tangible or intangible, movable or immovable. The [Consolidated List](#) available on DFAT's website includes the names of all designated persons and entities.

Travel bans

All persons designated for the Somalia sanctions regime are prohibited from transiting through or entering Australia, without authorisation by the UNSC.

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, as indicated above. 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 regime 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 – Somalia) Regulations 2008*
- *Migration (United Nations Security Council Resolutions) Regulations 2007*

Where can I get more information?

More information on Australia's sanctions can be found on DFAT's website: <https://dfat.gov.au/international-relations/security/sanctions/Pages/sanctions.aspx>.

Enquiries can be made to DFAT by emailing sanctions@dfat.gov.au.



DFAT maintains a mailing list for people interested in receiving updates on Australian sanctions laws. You can subscribe to this list via the [DFAT website](#).

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.