



**Security Council Committee pursuant to resolution 751 (1992) concerning Al-Shabaab**

**Implementation Assistance Notice No. 2 updated on 26 May 2023**

**Summary of notification requirements and the no-objection process related to the partial lifting of the arms embargo in relation to Somalia**

**References:**

- Security Council resolution 2662 (2022) and other resolutions dealing with the Al-Shabaab sanctions regime, available at <https://www.un.org/securitycouncil/sanctions/751/resolutions>;
- The guidelines of the 751 Committee for the conduct of its work, available at <https://www.un.org/securitycouncil/sanctions/751/guidelines>;
- Categories of major conventional arms as defined by United Nations Register of Conventional Arms, <https://www.unroca.org/categories>;
- International instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, available in six UN official languages at <https://front.un-arm.org/wp-content/uploads/2021/03/International-Tracing-Instrument-six-official-languages.pdf>.

**Acronyms:**

Acronym	Definition
ADN	Advance Delivery Notification
ATMIS	African Union Transition Mission in Somalia
ATGM	Anti-Tank Guided Missile
EUTM in Somalia	European Union Training Mission in Somalia
FGS	Federal Government of Somalia
IAN	Implementation Assistance Notice
LAW	Light Anti-Armor Weapon
MANPADS	Man-portable air-Defence Systems
ONSA	Office of the National Security Adviser
PDN	Post-Delivery Notification
RPG	Rocket Propelled Grenade
SSPI	Somali security and police institutions
UCAV	Unmanned combat aerial vehicles
UNSOM	United Nations Assistance Mission in Somalia

## **I. Rationale**

1. This IAN, approved by the Committee, aims to assist Member States, international, regional and sub-regional organisations, to take the necessary steps to ensure full and effective implementation of the arms embargo in relation to Somalia. It also aims to support other public and private entities, and natural persons in terms of awareness to avoid potential violations of the arms embargo. It offers a summary of the procedural requirements to implement the arms embargo and its partial lifting for the purpose of developing Somalia's security and police institutions (SSPI), including advance delivery notifications, and post-delivery notifications, as well as notifications subject to a no-objection process, to the Committee as envisaged by relevant Security Council resolutions.

## **II. Background**

2. The arms embargo in relation to Somalia was imposed initially by resolution 733 (1992) and was partially lifted on 6 March 2013 by Council resolution 2093 (2013) for the purpose of developing the security forces of the Federal Government of Somalia. The partial lifting has been renewed on yearly basis. With the adoption of resolution 2551 (2020) no expiry date of the partial lift was stipulated. The arms embargo was further eased most recently by resolution 2662 (2022).

3. In addition to the territorial arms embargo, a targeted arms embargo continues to apply to direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee. The list of individuals and entities designated by the Committee can be found at the Committee's website (<https://www.un.org/securitycouncil/sanctions/751>).

## **III. Standing exemptions or exceptions**

4. Paragraph 21 of resolution 2662 (2022) sets out the standing exemptions or exceptions to the arms embargo. These measures specify that the arms embargo on Somalia shall not apply to:

- (a) supplies of weapons or military equipment or the provision of technical advice, financial and other assistance, and training related to military activities intended solely for the support of, or use by:
  - (i) United Nations personnel, including the United Nations Assistance Mission in Somalia (UNSOM);
  - (ii) the African Union Transition Mission in Somalia (ATMIS) and its strategic partners, operating solely under the latest African Union Strategic Concept of Operations, and in cooperation and coordination with ATMIS; and,
  - (iii) European Union training and support activities, Türkiye, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as any other State forces that are either operating within the STP, or have a status of forces agreement or a memorandum of

understanding with the FGS to serve the purposes of this resolution provided they inform the Committee about concluding such agreements;

- (b) supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;
- (c) the delivery of non-lethal military equipment by States, or international, regional or subregional organisations intended solely for humanitarian or protective use; and
- (d) entry into Somali ports for temporary visits of vessels carrying weapons and military equipment for defensive purposes provided that such items remain at all times aboard such vessels (as previously affirmed by paragraph 3 of resolution 2244 (2015)).

5. Materiel imported under the standing exemptions may not be resold, transferred, or made available for use by, other entities or individuals, other than to those operating “in support of” the entity enjoying the standing exemption. Moreover, organisations and states exempted are required by paragraph 47 (g) of resolution 2662 (2022) to submit to the Committee, by 15 October 2023, an update on the support provided to Somalia since the adoption of this resolution and a summary of the materiel imported to Somalia for force protection that would, in the absence of paragraph 21, need be notified to the Committee.

#### **IV. Procedural requirements for the delivery of items and provision of services to Somalia covered by the partial lifting of the arms embargo**

6. In line with its partial lifting, the arms embargo does not apply to:

- Deliveries of weapons and military equipment, or the provision of technical advice, financial and other assistance, and training related to military activities, intended solely for the development of Somalia’s security and police institutions (SSPI) to provide security for the Somali people, except in relation to items in annexes A and B to resolution 2662 (2022) and summarized in table 1 below, which are subject to the applicable notification procedures as set out in paragraphs 14, 15 and 18 of the same resolution;

7. Paragraph 12 of resolution 2662 (2022) reaffirms that weapons and military equipment sold or supplied in accordance with the exemption in paragraph 11 of this resolution shall not be resold to, transferred to, or made available for use by any individual or entity not in the service of the recipient to which it was originally sold or supplied, or the selling or supplying State or international, regional or sub-regional organisation;

**Table 1. Summary of list of items from resolution 2662 (2022) annex A and B**

	<b>Annex A</b>	<b>Annex B</b>
	<b>Subject to absence of a negative decision by the Committee within five working days of receiving a notification by the Committee</b>	<b>Subject to notification to the Committee for information submitted at least five working days in advance</b>
1	Surface to air missiles including MANPADS	
2	Weapons and ammunition calibre greater than 14.7 and their specifically designed components excluding shoulder fired anti-tank rocket launchers such as RPGs, LAWs, rifles grenades and grenade launchers	- Weapons and ammunition calibre up to 14.7; - RPG-7 and recoilless rifles and ammunition
1	Mortars and ammunition calibre greater than 82	
2	Anti-tank Guided weapons including ATGMs, ammunition and their specifically designed components	
3	Mines, charges and devices for military use <sup>1</sup>	
4	Weapon sights with a night vision capability greater than generation 2	Weapon sights with a night vision capability generation 2 or lower
5	Fixed wing, swivel wing, tilt rotor or tilt wing aircraft, specifically designed or modified of aircraft for military use	Rotor wing or helicopters specifically designed or modified for military use
6	All type of vessels and amphibious vehicles for military use	
7	Unmanned combat aerial vehicles (UCAV) (listed as Category IV in the UN Register of Conventional Arms)	
8		Body armour or protective garments (hard body armour plates providing ballistic protection equal to or greater that level III (NIJ 0101.06 July 2008) or national equivalentents)
9		Ground vehicles for military use
10		Communication equipment for military use

**V. Role and responsibilities related to notifications and the no-objection process**

<sup>1</sup> Specific procedures related to items that could be used in improvised explosive devices (IED) are outlined in IAN 3 available at [link to be added once IAN 3 is approved by the Committee].

8. Only Somalia and the Member State or the international, regional or sub-regional organisation involved in the supply of the restricted material or assistance can make notifications and exemption requests to the Committee. However, other Members States and entities—such as, for example, States of transit, States of registry of private companies involved in items manufacturing, brokerage, finance or transport—must collaborate with the FGS, the Member State or the international, regional or sub-regional organisation supplying the items to ensure that the appropriate notification or request for exemption is submitted to the Committee.

9. Advance notification, request for no-objection and post-delivery notifications are submitted to the Committee by Somalia and/or the supplying State or international, regional or sub-regional organisation delivering the assistance. The delivery to SSPI of items from Annex A to resolution 2662 (2022) may be provided in the absence of a negative decision by the Committee within five working days of receiving a notification from Somalia or the State or international, regional or sub regional organisation delivering assistance.

#### **A. Delivery to SSPI**

- For items included in **Annex A**, Somalia in priority or alternatively the State or international, regional or subregional organisation delivering assistance is required to submit a request for no-objection to the Committee at least five working days in advance. In this case, the assistance may be provided in the absence of a negative decision by the Committee within five working days of receiving a notification, see template at annex 1.
- For items included in **Annex B**, primarily Somalia or alternatively the State or international, regional or subregional organisation delivering assistance is required to notify the Committee for information at least five working days in advance, see template at annex 1.
- In the case that the State or international, regional or subregional organisation delivering assistance makes an advance request for no-objection or notification to the Committee, as applicable, communications see template at annex 1. The Committee should share all notifications submitted to it and pertaining to paragraphs 14, 15 and 18 with the appropriate national coordinating body in Somalia, the Office of National Security, for their information as outlined in paragraph 20 of resolution 2662 (2022);
- Additionally, the Committee should transmit advance requests for no-objection approval and notifications from States or international, regional or subregional organisations to the appropriate national coordinating body within the FGS, as outlined in paragraph 20 of resolution 2662 (2022);
- Somalia or the supplying State or international, regional or sub-regional organisation delivering the assistance shall no later than 30 days after the delivery of weapons and military equipment, submit to the Committee a post-delivery notification in the form of written confirmation of the completion of any delivery to the SSPI, see template in annex 2. The Committee recognises the value of the supplying State or international, regional or subregional organisation submitting a notification in cooperation with the FGS. As outlined in paragraph 16 and 18 of resolution 2662 (2022) the notification should include:

- (a) details of the manufacturer and supplier of the weapons and military equipment, including serial numbers;
  - (b) a description of the arms and ammunition including the type, calibre and quantity;
  - € bill of lading, cargo manifests or packing lists;
  - (d) proposed date and place of delivery; and
  - € all relevant information concerning the intended destination unit, or the intended place of storage.
- The FGS shall incorporate the notifications regarding the destination unit in the SSPI or the place of storage of military equipment upon distribution of imported arms and ammunition into FGS reporting as requested by paragraph 47 (a) (iii) of resolution 2662 (2022).

## **B. Temporary visits and transit in Somali territorial waters of vessels with carriage of arms and related materiel for defensive purposes**

10. The Council has clarified that entry into Somali ports for temporary visits of vessels carrying arms and related materiel for defensive purposes—or their transit of Somali territorial waters—does not contravene the arms embargo on Somalia, provided that such items remain at all times aboard such vessels (paragraph 3 of resolution 2244 (2015), as most recently renewed in paragraph 15 of resolution 2444 (2018)).

11. The Committee encourages vessels carrying arms into Somali ports or transiting Somali waters to engage with the Office of the National Security Adviser of the FGS and comply with Somali law and industry standards relating to weapons carriage both on sea and when berthing in Somali ports, including operation of an onboard bonded store; facilitation of a right of inspection of the vessel by Somali authorities in Somali territorial waters and in Somali ports and provision of appropriate and timely information to the Somali authorities on the entry of such materiel into Somali territory, in order to facilitate such inspection.

## **VI. Additional measures**

12. Sanctions measures including the asset freeze shall apply to entities and individuals designated by the Committee as having acted in violation of the general and complete arms embargo. The travel ban shall also apply to these individuals, (paragraph 8 of resolution 1844 (2008)).

13. Members States are required to implement the arms embargo as well as the sanctions measures above.

14. The Council has authorized the inspection in Somali territorial waters and on the high seas off the coast of Somalia, of vessels bound to or from Somalia, carrying:

- (i) weapons or military equipment to Somalia, directly or indirectly, in violation of the arms embargo on Somalia;
- (ii) weapons or military equipment to individuals or entities designated by the Committee pursuant to resolution 751 (1992); or
- (iii) IED components identified in Part I of Annex C to resolution 2662 (2022) in violation of the IED components ban.

15. The inspection shall be undertaken under certain conditions, including through making good-faith efforts to first seek the consent of the vessel's Flag State prior to any inspections, using all necessary measures commensurate with the circumstances to carry out such inspections and in full compliance with international humanitarian law and international human rights law, as may be applicable, and conducting such inspections without causing undue delay to or undue interference with the exercise of the right of innocent passage or freedom of navigation (paragraphs 15-16 of resolution 2182 (2014) as renewed and expanded in paragraph 5 of resolution 2607 (2021) and renewed in paragraph 41 of resolution 2662 (2022)).

16. It is the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS.

17. The Committee encourages the supplying Member States to ensure that the advance notifications addressed to the Committee of weapons, ammunition and other materiel be as specific as possible regarding the content and the end-user of the materiel.

18. The Committee supports the FGS' policy that all deliveries of notified weapons and ammunition arrive to the Central Armory Halane for registration and marking before being distributed.

19. The Committee encourages the supplying Member States to deliver notified weapons with unique serial numbers. If these are not present, the Committee encourages the FGS to mark the imported notified weapons with a unique serial number as well as the generic force-level marking.

## **VII. Interpretation of the scope of the embargo**

20. In the event of doubt as to the applicability of the embargo to specific forms of materiel or assistance—or of a particular exemption in a specific circumstance—the Committee may be invited to make a determination.

**Annex 1. Template no-objection request or notification to the UN Security Council Committee pursuant to resolution 751 (1992) for delivery of items or training under the partial lifting of the arms embargo on Somalia**

**Sender:**

- The Permanent Mission of Somalia to the United Nations; or
- The Permanent Mission of the State delivering assistance to Somalia; or
- The international, regional or subregional organisation delivering assistance to Somalia

**Addressee:**

- His / Her Excellency, the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning Al-Shabaab, through the Senior Secretary of the Committee, (Room DC2-2030, United Nations, New York, NY 10017 e-mail: sc-751-committee@un.org).
- Cc (if not sent by Somalia):  
His / Her Excellency, Permanent Representative of the Federal Republic of Somalia to the United Nations, New York, somalia@un.int,  
  
Office of the National Security Advisor of the Federal Republic of Somalia, through, nsa@presidency.gov.so.

**Date:** At least five working days before the intended date of delivery

**A. First section**

The Permanent Mission of [ *insert name* ] to the United Nations in New York (or the international, regional or subregional organisation) presents its compliments to the Chair of the UN Security Council Committee pursuant to resolution 751 (1992) concerning Al-Shabaab.

**B. Second section: language for notification or request**

**1. Request for no objection to delivery of items listed in annex A to SSPI**

The Permanent Mission of Somalia (or The Permanent Mission of [ xxx ], or the international, regional or subregional organisation) has the honour to request, from the Committee, no objection to the delivery of [weapons, arms, ammunition, and equipment] to the Somali security and police institutions (SSPI), pursuant to paragraph 10 of resolution 2662 (2022), which decides that deliveries of items in Annex A to this resolution, intended solely for the development of SSPI, to provide security for the Somali people are subject to absence of a negative decision by the Committee within five working days of receiving a notification by the Committee from Somalia or the State or international, regional or subregional organisation delivering assistance.

***In case request not by the FGS:*** As requested by paragraph 20 of resolution 2662 (2022), The Permanent Mission of [ xxx ] (or the international, regional or subregional organisation) has informed the appropriate national coordinating body within the FGS of the advance request for approval, on [date], and has offered to provide the FGS with technical support with notification procedures where appropriate.



## **2. *Advance notification for delivery of items listed in annex B to SSPI***

The Permanent Mission of Somalia (or The Permanent Mission of [ xxx ], or the international, regional or subregional organisation) has the honour to submit to the Committee an advance delivery notification for information, for the delivery of [weapons, arms, ammunition, and equipment] to the Somali National Security Forces (SNSF), pursuant to paragraph 15 of resolution 2662 (2022), which decides that deliveries of items in Annex B to this resolution, intended solely for the development of SSPI, to provide security for the Somali people are subject to notifications to the Committee for information submitted at least five working days in advance by the FGS or the State or international, regional or subregional organisation delivering assistance.

### **C. Third section: information related to the delivery**

As required by paragraph 16 of resolution 2662 (2022), these items would be delivered as follow:

- details of the manufacturer and supplier of the weapons and military equipment, including serial numbers;
- a description of the arms and ammunition including the type, calibre and quantity;
- proposed date and place of delivery; and
- all relevant information concerning the intended destination unit, or the intended place of storage;
- Details of the manufacturer and supplier of each type of item is at attachment 1
- Types and description as well as their individual serial numbers are at attachment 2 and a copy in digital format of that attachment is shared with the Senior Secretary of the Committee (Room DC2-2030, United Nations, New York, NY 10017; e-mail: sc-751-committee@un.org.

### **D. Fourth Section: end users**

As required by paragraph 12 of the same resolution, the items to be delivered shall not be resold to, transferred to, or made available for use by any individual or entity not in the service of the recipient to which it was originally sold or supplied, or the selling or supplying State or international, regional or subregional organisation. The End User Certificate (EUC) signed with [xxx] on [date] include this requirement.

**Annex 2. Template of post delivery notification (PDN) to the UN Security Council Committee pursuant to resolution 751 (1992) for delivery of weapons and military equipment to SSPI under the partial lifting of the arms embargo on Somalia**

**Sender:**

- The Permanent Mission of Somalia to the United Nations; or
- The Permanent Mission of the State delivering assistance to Somalia (in cooperation with FGS); or
- The international, regional or subregional organisation delivering assistance to Somalia (in cooperation with FGS)

**Addressee:**

- Her Excellency, the Chair of the Security Council Committee pursuant to resolution 751 (1992) concerning *Al-Shabaab*, through the Senior Secretary of the Committee, (Room DC2-2030, United Nations, New York, NY 10017; e-mail: [sc-751-committee@un.org](mailto:sc-751-committee@un.org)).
- Cc (if not sent by Somalia):  
His Excellency, Permanent Representative of the Federal Republic of Somalia to the United Nations, New York, [somalia@un.int](mailto:somalia@un.int),  
  
Office of the National Security Advisor of the Federal Republic of Somalia, through, [nsa@presidency.gov.so](mailto:nsa@presidency.gov.so).

**Date:** 30 days after the delivery of weapons and military equipment

**A. First section**

The Permanent Mission of [ *insert name* ] to the United Nations in New York (or the international, regional or subregional organisation) presents its compliments to the Chair of the UN Security Council Committee pursuant to resolution 751 (1992) concerning *Al-Shabaab* and has the honour to refer to its Note Verbale dated xx/xx/202x to the Committee, related to the delivery of [weapons, arms, ammunition, and equipment] to the Somali security and police institutions (SSPI)

**B. Third section: information related to the delivery**

The Permanent Mission of [ xxx ], or the international, regional or subregional organisation) has the honour to submit a post delivery notification pursuant to paragraph 18 of resolution 2662 (2022) which decides that Somalia or the supplying State or international, regional or sub-regional organisation delivering the assistance shall, no later than 30 days after the delivery of weapons and military equipment, submit to the Committee a post-delivery notification in the form of written confirmation of the completion of any delivery to the SSPI and recognises the value of the supplying State or international, regional or subregional organisation doing the same, in cooperation with the FGS. This delivery has been completed as follow:

- (a) details of the manufacturer and supplier of the weapons and military equipment, including serial numbers; (b) a description of the arms and ammunition including the type, calibre and quantity;
- (c) bill of lading, cargo manifests or packing lists;

(d) proposed date and place of delivery; and

(e) all relevant information concerning the intended destination unit, or the intended place of storage.

**C. Third section**

The Permanent Mission of [ xxx ], or the international, regional or subregional organisation) avails itself of this opportunity to renew to the Chair of the Committee the assurance of its highest consideration.