

**Security Council Committee
pursuant to resolution 751 (1992) concerning Somalia**

Implementation Assistance Notice No. 2

Summary of arms embargo restrictions in place for Somalia, including exemptions

14 March 2016, updated on 13 July 2018 and 8 May 2019

1. In order to assist Member States, international, regional and sub-regional organizations, other public and private entities, and natural persons to take the necessary steps to ensure full and effective implementation and as well as enforcement of, the arms embargo, the Committee pursuant to resolution 751 (1992) concerning Somalia (“the Committee”) offers the following summary of the arms embargoes restrictions in place for Somalia, including exemptions to such restrictions.

The arms embargo on Somalia

2. The arms embargo on Somalia was imposed by paragraph 5 of resolution 733 (1992), further elaborated upon and modified by paragraphs 1 and 2 of resolution 1425 (2002) and paragraph 7 of resolution 1844 (2008), by paragraphs 33 to 38 of resolution 2093 (2013), paragraphs 4, 6 to 11 and 14 to 17 of resolution 2111 (2013), paragraph 14 of resolution 2125 (2013), and most recently by paragraphs 14 to 26 of resolution 2444 (2018).
3. Notwithstanding the partial lifting and the exemptions described below, the arms embargo prohibits the financing of all acquisitions and deliveries of weapons and military equipment, as well as the direct or indirect supply to Somalia, of technical advice, financial and other assistance, and training related to military and security sector activities. The embargo also prohibits direct or indirect supply, sale or transfer of such materiel or assistance to individuals or entities designated by the Committee, including investment, brokering or other financial services related to military activities, or the manufacture, maintenance or use of weapons and military equipment by such individuals or entities. The list of individuals and entities designated by the Committee is found at the Committee’s website (<https://www.un.org/securitycouncil/sanctions/751>).
4. States, international, regional and sub-regional organisations, other private and public entities, in addition to natural persons, have an obligation to comply with the arms embargo. Member States have additional obligations to enforce the embargo, including taking measures to prevent violations.
5. A suspension and a range of exemptions to the arms embargo are in place, which this Information Assistance Note attempts to clearly describe.
6. Only 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. Other entities—such as, for example, private companies—must collaborate with a Member State or an international, regional or sub-regional organisation to ensure that the appropriate notification or request for exemption is submitted to the Committee.

7. 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)).
8. 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.
9. 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, 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 as outlined in paragraphs 15 and 16 of resolution 2182 (2014) and most recently renewed in paragraph 44 of resolution 2444 (2018).

The partial lift: Security Forces of the Federal Government of Somalia (FGS)

10. Where the appropriate procedure is followed (see below), the arms embargo does not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the FGS, as reiterated in paragraph 14 of resolution 2444 (2018).
11. Support for the development of the Security Forces may include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations), as indicated in paragraph 26 of resolution 2444 (2018).
12. The Committee must be informed at least five working days in advance of the date of the proposed delivery of all materiel and assistance intended for development of the Security Forces of the FGS (advance delivery notification or ADN)). The category of materiel or assistance intended for supply to FGS security forces determines the form of this notification and the procedure which must be followed. The Federal Government of Somalia has the primary responsibility for notification (paragraph 14 of resolution 2111 (2013)). The Member State or international, regional or subregional organization delivering assistance may, in the alternative, make this notification in consultation with the Federal Government of Somalia (paragraph 15 of resolution 2111 (2013)).
13. 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.

14. All materiel and support, excluding the items specified in the Annex of resolution 2111 (2013), must be the subject of a *'notification for Committee's information'*. The details of how to make, and what to include in, a *'notification for Committee's information'* are set out on the Committee's website and in paragraph 10 (j) to (q) of the Committee Guidelines (<https://www.un.org/securitycouncil/sanctions/751/guidelines>).
15. The provision of items specified in the Annex of resolution 2111 (2013) must be approved by the Committee (*'request for Committee's approval'*). These items comprise:
- surface to air missiles, including Man-Portable Air-Defence Systems (MANPADS);
 - guns, howitzers, and cannons with a calibre greater than 12.7 mm, and ammunition and components specially designed for these. (This does not include shoulder fired anti-tank rocket launchers such as RPGs or LAWs, rifle grenades, or grenade launchers.);
 - mortars with a calibre greater than 82 mm;
 - anti-tank guided weapons, including Anti-Tank Guided Missiles (ATGMs) and ammunition and components specially designed for these items;
 - charges and devices intended for military use containing energetic materials;
 - mines and related materiel;
 - weapon sights with a night vision capability.

The details of how to submit, and what to include in, a *'request for Committee's approval'* are set out at the Committee's website and paragraphs 10 (a), (b), (d), (e) and (f) of the Committee Guidelines.

16. The primary responsibility for making an advance *'notification for Committee's information'* or *'request for Committee's approval'* rests with the FGS (paragraph 3 of resolution 2142 (2014)). Supplying Member States or the international, regional or sub-regional organisation may make the notification or request to the Committee in the alternative, but they must do so in consultation with the FGS (paragraph 4 of resolution 2142 (2014)).
17. Where the supply of *arms and ammunition* is permitted under the partial lift the FGS has an additional obligation to provide two forms of post delivery information to the Committee (a) no later than 30 days after the delivery of arms or ammunition, written confirmation of the completion of the delivery, including the serial numbers for the arms and ammunition delivered, shipping information, bill of lading, cargo manifests or packing lists, and the specific place of storage (post-delivery confirmation or PDC); and (b) incorporate the notifications regarding the destination unit in the Somali National Security Forces upon distribution of imported arms and ammunition, detailed in paragraph 7 of resolution 2142 (2014), into the regular FGS reporting to the Security Council requested in paragraph 21 of resolution 2444 (2018).
18. Weapons or military equipment sold or supplied solely for the development of the Security Forces of the FGS may not be resold to, transferred to, or made available for use by, any individual or entity not in the service of the Security Forces of the FGS (most recently reiterated in paragraph 16 of resolution 2444 (2018)).

19. The Committee encourages the supplying Member States to ensure that the advance notifications addressed to the Committee of weapons, ammunition and other materiel to be as specific as possible regarding the content and the end-user of the materiel.
20. 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.
21. 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.

Standing exemptions (or “exceptions”) from the arms embargo on Somalia

22. 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 exemption. Such materiel must be removed from Somalia at the completion of the relevant mission period, as appropriate.
23. Support to UN personnel: The arms embargo does not apply to supplies of weapons or military equipment or the provision of assistance, intended solely for the support of, or use by, United Nations personnel, including the United Nations Assistance Mission in Somalia (UNSOM) (paragraph 10 (a) of resolution 2111 (2013)).
24. Support to the African Union Mission in Somalia (AMISOM): The arms embargo does not apply to supplies of weapons and military equipment, technical training and assistance intended solely for the support of, or use by, the African Union Mission in Somalia (AMISOM) (paragraph 10 (b) of resolution 2111 (2013)).
25. Support to AMISOM “strategic partners”: The arms embargo does not apply to supplies of weapons or military equipment or the provision of assistance intended solely for the support of, or use by, AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent AU strategic concepts), and in cooperation and coordination with AMISOM (paragraph 10 (c) of resolution 2111 (2013)). The provision of specific categories of support to the SNA and SPF by the UN Support Office in Somalia, for example, as specified in resolution 2245 (2015), on an exceptional basis, and in the context of joint operations and AMISOM's overall strategic concept of operations, is permitted (paragraph 2 (f) and (g)).
26. The European Union Training Mission (EUTM) in Somalia: The arms embargo does not apply to supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by the European Union Training Mission (EUTM) in Somalia (paragraph 10 (d) of resolution 2111 (2013)).
27. Supply of protective clothing for UN, media, development, humanitarian and associated personnel: The arms embargo does not apply to 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 (paragraph 10 (f) of resolution 2111 (2013)).

Exemptions dependent on forms of notification or requests to the Committee

28. Support to “Somali security sector institutions”: The arms embargo does not apply to supplies of weapons or military equipment and technical assistance or training by Member States or international, regional and sub-regional organizations intended solely for the purposes of helping develop Somali security sector institutions, other than the Security Forces of the FGS, if a ‘*notification for Committee’s consideration*’ is appropriately made, and in the absence of a negative decision by the Committee (paragraph 11(a) of resolution 2111 (2013)).
29. A ‘*notification for Committee’s consideration*’ must be submitted to the Committee by the supplying State, international, regional or sub-regional organization at least five working days prior to the proposed delivery of the material. Information on making a ‘*notification for Committee’s consideration*’ is set out in the Committee’s website and in paragraphs 10 (f) to (i) of Committee Guidelines.
30. Supplies of non-lethal military equipment intended solely for humanitarian or protective use: Non-lethal military equipment intended solely for humanitarian or protective use may be imported into Somalia subject to a five-day advance ‘*for Committee’s information*’ procedure (paragraph 10 (g) of resolution 2111 (2013)).
31. Notifications in the correct format and with the correct details as set out by the Committee’s website must be submitted in writing to the Chair five days in advance by the Member State, international, regional or sub-regional organisation “supplying” the equipment (paragraphs 10 (o) to (q) of Committee Guidelines).
32. The Committee encourages the supplying State, international, regional or sub-regional organization making such a notification to engage with the Office of the National Security Adviser of the FGS to ensure full transparency of such assistance.
33. Suppression of acts of piracy by Member states or international organisations: The arms embargo does not apply to supplies of weapons and military equipment destined for the sole use of Member States or international, regional and sub-regional organizations undertaking measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia (paragraph 10 (e) of resolution 2111 (2013) as reinforced by resolution 2125 (2013), resolution 2184 (2014) and resolution 2246 (2015). This measure facilitates anti-piracy operations by international naval forces such as the Combined Maritime Forces (CMF) and allows for the maritime protection of humanitarian supplies within Somali territorial waters and Somali ports by the forces of Member States. Three conditions must be fulfilled for this exemption to operate: the measures must be taken further to the request of the FGS; the FGS must make appropriate notification to the Secretary General; and the measures undertaken must be consistent with applicable international humanitarian and human rights law.

Interpretation of the scope of the embargo

34. 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. Details on addressing communications to the Committee can be found at the Committee’s website.
