

Treasury  
Customs and Excise Division

## Sanctions Notice 31

United Nations Sanctions  
European Union Sanctions

### Somalia



July 2010  
(revised to 18 February 2020)



**Isle of Man**  
Government

*Reilty's Ellan Vannin*

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## About this Notice

This Notice draws attention in convenient form to measures designed to impose restrictive measures in relation to Somalia.

This Notice provides guidance on certain aspects only of the Orders, and should be read in conjunction with those Orders.

The Treasury has appointed its Customs and Excise Division to act for the purpose of enforcing financial sanctions. Accordingly, certain powers have been delegated by the Treasury to the Division.

The list of persons and entities subject to the sanctions may be found at:

<https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets/consolidated-list-of-targets>

Enquiries concerning this Notice should be addressed to the address given below and marked for the attention of the Sanctions Officer.

Enquiries may also be made by -

- facsimile transmission (01624 661725)
- Email ([customs@gov.im](mailto:customs@gov.im))
- Telephone (01624 648109)

The address for any enquiries or applications relating to this Notice is -

The Sanctions Officer  
The Treasury  
Customs and Excise Division  
PO Box 6  
Custom House  
North Quay  
Douglas  
Isle of Man  
IM99 1AG

This Notice is provided for information purposes only, and its contents should not be taken



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as a definitive statement of the law. You are advised to seek independent legal advice if you believe you are affected by anything contained in this Notice.

For further information on sanctions in general, including how to deal with false positives, or when sanctions are lifted or persons delisted, see Financial Sanctions Guidance.

Annex B deals with the granting of licences.

These Notices, and other information about sanctions and export and trade controls, may be found at -

<https://www.gov.im/categories/tax-vat-and-your-money/customs-and-excise/sanctions-and-export-control/>

## Directions

The Customs and Excise Division, as agent for the Treasury, **directs** that any funds held for or on behalf of the individuals or entities named in the published lists having effect in the Island must not be made available, except under the authority of a licence in writing from the Treasury.

Any funds should be blocked or frozen and the details reported to the Financial Intelligence Unit.

All persons in business or a profession in the Island, including financial institutions, **must** check whether they maintain any account, or otherwise hold or control funds or economic resources, for individuals or entities included in the lists and, if so, they should freeze the account, funds or economic resources and report their findings to the Financial Intelligence Unit.

Any person, entity or body with information that would facilitate compliance with the sanctions Regulation(s) **must** supply such information to the Financial Intelligence Unit and co-operate in any verification of the information.

Reports of accounts and amounts frozen should be made using THEMIS; however, if you do not have access to this reporting system, you should use the appropriate form on the FIU website.

### Financial Intelligence Unit contact details

Financial Intelligence Unit  
PO Box 51  
Douglas  
Isle of Man  
IM99 2TD

Telephone: +44 1624 686000  
Email: [fiu@gov.im](mailto:fiu@gov.im)

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## **Introduction**

1. Recognising the longstanding and continuing unrest in Somalia the United Nations and European Union have adopted a series of measures intended to limit the equipment, finance, training and technical assistance fuelling the conflicts in that country.

## **2002 sanctions order**

2. On 23 January 1992 the United Nations Security Council adopted Resolution 733 which imposed a general and complete embargo on all deliveries of weapons and military equipment to Somalia.
3. On 22 July 2002 the Security Council adopted UN Security Council Resolution 1425 which reaffirmed previous Resolutions, including the imposition of an arms embargo on Somalia, extending the scope of the earlier Resolutions by prohibiting the direct and indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities (with some exceptions).
4. The Somalia (United Nations Sanctions) (Isle of Man) Order 2002 [SI 2002 No. 2630] gave effect to UN SCR 1425 in the Isle of Man. The Order also amended the earlier United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Isle of Man) Order 1996 [SI 1996 No. 3153, as amended].
5. Consequently the arms embargo on Somalia provided for in UN SCR 1425 applies in the Island, as does the provision of technical advice, assistance or training related to military activities. These restrictions apply to -
  - a. any person (individual, company, LLC etc) in the Island;
  - b. any British citizens and subjects etc ordinarily resident in the Island; and
  - c. any body corporate or LLC incorporated or constituted under the laws of the Island.
6. The 2002 Order also prohibited the use of Manx ships or aircraft, and ships and aircraft chartered by those mentioned in paragraph 3 above, to carry the goods subject to sanctions.
7. The 2002 Order also provided comprehensive powers for Customs and Excise to carry out enquiries, and for offences and penalties for breaches of the sanctions. It also provided for the Treasury to be able to issue licences where necessary.

## **Subsequent developments**

8. In January 2003 the EU implemented the measures outlined in UN SCR 1425 relating to financial or other assistance for military equipment or military activity by means of Council Regulation (EC) No. 147/2003.
9. On 20 November 2008 the UN adopted SCR 1844. Amongst other things, this imposed a travel ban and asset freeze on persons to be designated by the UN

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Sanctions Committee established under SCR 751 who were said to be engaged in, or providing support for, acts that threatened the peace, security or stability of Somalia.

10. On 19 March 2010 the UN adopted SCR 1916 which inter alia provided for payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian aid by UN in Somalia.
11. On 26 April 2010 the EU implemented UN SCR 1844 by means of Council Regulation (EU) 356/2010 and Council Decision 2010/231/CFSP. It also included a list of persons subject to financial sanctions as designated by the UN Sanctions Committee, and which was adopted by that Committee on 12 April 2010.

### **Effect of the measures in the Island**

12. UN SCR 1425 was implemented in the Isle of Man by Order-in-Council in 2002. In addition, the prohibition on the supply of financial or other assistance relating to military goods or military activity under Council Regulation 147/2003/EC also has effect in the Island.
13. Therefore an arms embargo, and the ban on the provision of technical advice, technical assistance or training relating to military activities, has effect here.
14. The restrictions apply to any person within the Island, to British citizens and subjects (of all varieties) who are normally resident in the Island, and to bodies corporate (including LLC) incorporated or constituted under the law of the Island.
15. The restrictions also apply to ships registered in the Isle of Man, aircraft registered in the UK, and to ships and aircraft chartered by those mentioned in paragraph 13 above.
16. Export and trade controls under the Export Control 2008 [SI 2008 No. 615, as applied in the Island by SD 197/10] have the effect of imposing additional prohibitions and/or licensing requirements where certain goods are exported to Somalia, or sent from another country or territory to Somalia. Please see Public Notice 279 MAN for further information on export and trade controls.
17. The European Union (Somalia Sanctions) (Application) Order 2010 [SD 562/10] applied EU Regulation 356/2010 in the Isle of Man thereby giving effect to the financial sanctions measures required by that regulation and UN SCR 1844. The Order was complemented by the Somalia Sanctions Regulations 2010 [SD 564/10] which provided for offences and penalties relating to the EU Regulation and licences that may be issued by the Treasury pursuant to the Regulation.
- 17A. On 24 October 2011, the European Union (Somalia Sanctions) (Application) (Amendment) Order 2011 applied Council Implementing Regulation (EU) No. 956/2011 in Island law, with the effect of listing a number of persons and entities which the relevant UN Sanctions Committee had said should be made subject to sanctions. The Somalia Sanctions Regulations 2010 were amended accordingly.
- 17B. On 21 September 2012, the European Union (Somalia Sanctions) (Application) (Amendment) Order 2012 applied in Island law Council Regulation (EU) No. 641/2012, with the necessary amendments being made to the Somalia Sanctions

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Regulations 2010 at the same time. The applied Regulation amended Regulation 356/2010 to add a further name to the list of those subject to financial sanctions, amended Article 2 re the criteria for being listed, and allowed for an exemption from sanctions for humanitarian aid and NGOs participating in the UN Consolidated Appeal for Somalia.

- 17C. Also on 21 September 2012, the European Union (Somalia Sanctions) (Arms Embargo Etc) Order 2012 and the Somalia Sanctions (Arms Embargo Etc) Regulations 2012 came into operation. The Order applied in Island law Council Regulation (EU) No 147/2003, as amended, which imposed an arms embargo and prohibited the provision of technical advice, financial and other assistance, and training related to military activities. The Regulations dealt with information powers for Treasury, licences and penalties for various offences connected with the arms embargo and related prohibitions.
- 17D. On 16 November 2012, the European Union (Somalia Sanctions) (Arms Embargo, Etc) (Amendment) Order 2012 [SD 706/12] applied Council Regulation (EU) No. 941/2012 in the Island. The applied Regulation amended Regulation 147/2003 and provided for an exception to the arms embargo relating to the provision of non-lethal military equipment intended solely for humanitarian or protective use, or for material intended for institution building programmes of the EU or its Member States within the framework of the Peace and Reconciliation Process. It also provided for an exception relating to weapons and military equipment intended solely for support of, or use by, the UN Political Office for Somalia. In both cases, the exception only applies where the activities have been approved by the relevant UN Sanctions Committee.
- 17E. On 14 June 2013, the European Union (Somalia Sanctions) (Arms Embargo, Etc) (Amendment) Order 2013 [SD 257/13] applied Council Regulation (EU) No. 431/2013 in Island law. The new Regulation amended Regulation 147/2003, allowing for financial and technical assistance, or training etc, relating to military activities, under certain conditions, when relating to UN or African Union peacekeeping efforts, or in support of specified UN Security Council Resolutions connected with security and confidence-building in Somalia.
- 17F. On 30 May 2014, the European Union (Somalia Sanctions) (Arms Embargo, Etc) (Amendment) Order 2014 [SD 2014/0203] applied Council Regulation (EU) No 478/2014 of 12 May 2014 in Island law. The applied Council Regulation modified the conditions for the provision of financing, financial assistance, technical advice, assistance or training relating to military activities. This was, in particular, intended for the purpose of assisting the Federal Government of Somalia Security Forces.
- 17G. On 24 October 2014, the UN Security Council adopted Resolution 2182 which *inter alia* renewed the pre-existing arms embargo until 30 October 2015, with a continuing partial exemption for supplies to the security forces of the Federal Government of Somalia. It also proposed an exemption for weapons carried for protection by commercial vessels in Somali ports (and called on its Somalia and Eritrea Monitoring Group and the Federal Government to bring forward proposals to give effect to this exemption).

In support of both the arms embargo and the ban on the import and export of charcoal (under Resolution 2036), the Security Council authorised the interdiction of

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shipping in Somali territorial waters and on the high seas in order to ensure that both the arms embargo and charcoal ban were enforced.

On 2 March 2015, the EU adopted Council Decision 2015/335/CFSP which inserted new Article 4a into Decision 2010/231/CFSP and this mirrored the changes made by means of UN SCR 2182 in 2014 in respect of allowing the interdiction of vessels in Somalian waters, or on the high seas off the coast of Somalia (including the Arabian Sea and Persian Gulf) of vessels where there are reasonable grounds to suspect they are either carrying charcoal from Somalia in violation of the charcoal bans, or carrying weapons or military equipment in violation of the arms embargo or intended for persons or entities subject to sanctions.

- 17H. The Treasury or any other person authorised by the Treasury, such as the Financial Intelligence Unit can serve a written notice on anyone to whom the measures apply, requiring them to furnish them with any information in their possession or control, or produce any document in their possession or control, for the purpose of allowing the Treasury to ensure compliance with, or detect evasion of, the sanctions.

Failure to furnish such information or documents without reasonable excuse is an offence. Providing false information is also an offence, as is providing false information for the purposes of obtaining a licence (or failing to comply with any condition of the licence).

- 17I. On 14 November 2017, the United Nations Security Council adopted UNSCR 2385 (2017) extending the modified arms embargo and the authorisation for maritime interdiction of illicit arms imports and charcoal exports until 15 November 2018. The UN Resolution also provided for an exemption from the assets freeze and from the prohibition on making funds, other financial assets and economic resources available for urgently needed humanitarian assistance in Somalia, by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status within the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally and multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plan for Somalia.

On 22 December 2017, Council Regulation (EU) 2017/2415 and Council Decision (CFSP) 2017/2427 were published in the Official Journal of the European Union. Council Regulation (EU) 2017/2415 amends Regulation (EU) 356/2010 by making reference to 'the United Nations Humanitarian Response Plan for Somalia' rather than the previous reference to 'the UN Consolidated Appeal for Somalia'.

- 17J. On 11 January 2018, the European Union (Somalia Sanctions) (Application) (Amendment) Order 2018 [SD 2018/0016] applied in Island law Council Regulation (EU) 2017/2415, with the necessary amendments being made to the Somalia Sanctions Regulations 2010 at the same time.
- 17K. On 11 December 2018 Council Regulation (EU) 2018/1933 and Council Decision (CFSP) 2018/1945 were published in the Official Journal of the EU updating the listing criteria of designated persons and entities.
- 17L. On 13 December 2018, the European Union (Somalia Sanctions) (Application)

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(Amendment) (No. 2) Order 2018 [SD No 2018/0333] applied in Island law Council Regulation (EU) 2018/1933, with the necessary amendments being made to the Somalia Sanctions Regulations 2010 by virtue of the Somalia Sanctions (Amendment) (No. 2) Regulations 2018 [SD No 2018/0334].

- 17M. On 6 February 2020, the Council of the European Union adopted Regulation 2020/169 which amends Regulation (EC) No 147/2003 in accordance with UN Security Council Resolution 2498 (2019).
- 17N. On 17 February 2020, the European Sanctions (Somalia Sanctions) (Arms Embargo, Etc)(Amendment) Order 2020 applied in Island law Council Regulation (EU) 2020/169, with the necessary amendments being made to the Somalia Sanctions (Arms Embargo, Etc) Regulations 2012 by virtue of the European Union (Somalia Sanctions) (Arms Embargo, Etc)(Amendment) Regulations 2020.

### **Amendments to this Notice**

18. Paragraphs 8 and 12 amended to more accurately reflect the position in the Island under EU measures, 27 January 2011.
19. New paragraphs 17A to 17C added 2 October 2012.
20. New paragraph 17D inserted re SD 706/12 on 4 December 2012.
21. New paragraph 17E inserted 22 July 2013, concerned with the application of EU Regulation 431/2013 by means of SD 257/13.
22. New paragraph 17F inserted 9 June 2014, re the application of Council Regulation 478/2014/EU by means of SD 2014/0203 and amendment of the 2012 Regulations by SD 2014/0204.
23. New paragraph 17G re UN SCR 2182 inserted, 27 October 2014.
24. Paragraph 17G amended to include mention of Council Decision 2015/335/CFSP on 4 March 2015.
25. New "directions" substituted on page 3, and new paragraph 17H inserted; 25 November 2015.
26. Mention of Sanctions Notices 26 and 32 added on page 3, 10 March 2017.
27. Amendments made to make clear that not only financial institutions are subject to reporting requirements of the sanctions, 3 August 2017.
28. Paragraph 17I inserted to include reference to UN Security Council Regulation 2385 (2017) and subsequent change to Council Regulation (EU) 356/2010.
29. New paragraph 17J inserted 12 January 2018, re the application of Council Regulation (EU) No 2017/2415 by means of SD 2018/0016 and amendment of the 2010 Regulations by SD 2018/0017.
30. Various amendments to make clear that reporting of frozen accounts or breaches of



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sanctions must be made to the Financial Intelligence Unit, 3 April 2018.

31. Privacy statement added, 31 May 2018.
32. New paragraphs 17K and 17L inserted. Paragraph 17K - The Council amended its Decision and Regulation on restrictive measures against Somalia. Paragraph 17L - Detailing new application Order and amended Regulations.
33. New paragraphs 17M and 17N inserted. Paragraph 17M gives details of the EU Regulation. Paragraph 17N gives details of the new application Order and associated Regulations. A number of outdated links were also replaced

### **Isle of Man Customs and Excise website**

Amendments to these sanctions will be advised by means of news releases which will be published on the official Isle of Man Government website at <http://www.gov.im/>

The Isle of Man Customs and Excise website will contain details of all current sanctions, news releases and links to relevant lists at <http://www.gov.im/treasury/customs>

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## Privacy Notice

The Treasury collects information about you in order to administer taxation and carry out other functions for which it is responsible (e.g. National Insurance, customs and excise duties, property rates, social security benefits, state pensions and legal aid etc.), and for the detection and prevention of crime.

Whilst that information will primarily be provided by you, where the law allows we may also get information about you from other organisations, or give information about you to them. This may be to check the accuracy of the information provided, prevent or detect crime or protect public funds in other ways. These organisations may include other government departments, the police and other agencies.

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