

**EXPLANATORY MEMORANDUM TO**  
**THE SOMALIA (SANCTIONS) (EU EXIT) (AMENDMENT) REGULATIONS 2024**  
**2024 No. 609**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments

**2. Declaration**

- 2.1 David Rutley, Parliamentary Under Secretary of State at the Foreign, Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Nicholas Waddell, Deputy Director for Sanctions Regimes and Litigation at the Foreign, Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.

**3. Contact**

- 3.1 The Sanctions Directorate at the Foreign, Commonwealth and Development Office Telephone: 0207 008 8553 or email: [fcdo.correspondence@gov.uk](mailto:fcdo.correspondence@gov.uk) can be contacted with any queries regarding the instrument.

**Part One: Explanation, and context, of the Instrument**

**4. Overview of the Instrument**

*What does the legislation do?*

- 4.1 The legislation makes a series of modifications to the Somalia (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) to give full effect in domestic law to the UK’s international obligations conferred by various United Nations Security Council Resolutions (“UNSCR”), including UNSCR 2713 (2023). The legislation also removes references to UNSCRs (see paragraph 5) which have been superseded and, where necessary, updates referencing.
- 4.2 The legislation also introduces additional purposes and sanctions designation criteria to support the UK’s counter terrorism objectives as outlined in the Government’s Counter Terrorism Strategy (CONTEST), which includes degrading Al-Shabaab, which remains the greatest terrorist threat in Somalia and the Horn of Africa. The new criteria are not limited to Al-Shabaab, but encompasses the activities of other terrorist and armed groups.

*Where does the legislation extend to, and apply?*

- 4.3 The territorial extent of this instrument is the whole of the UK.
- 4.4 This instrument also applies to conduct by UK persons where that conduct is wholly or partly outside the UK, and some parts of it also apply to conduct by any person in the territorial sea adjacent to the UK.

## **5. Policy Context**

### *What is being done and why?*

- 5.1 The 2020 Regulations were made with the purpose of bringing the UK in compliance with its UN obligations regarding sanctions in respect of Somalia. UNSCR 733 (1992) imposed an arms embargo on Somalia whilst UNSCR 1844 (2008) had imposed targeted sanctions measures in Somalia with various UNSCRs (2002 (2011), 2093 (2013) and 2662 (2022)) expanding the designation criteria.
- 5.2 There was a shift in focus on 1 December 2023 with the adoption of UNSCR 2713 which found that given the threat Al-Shabaab poses to peace and security in Somalia, there is a need to degrade Al-Shabaab, including through targeted sanctions, preventing access to weapons and ammunition, disrupting its finances, reducing the threat posed by improvised explosive devices, improving maritime domain awareness and through international collaboration.
- 5.3 Whilst UNSCR 2714 (2023) lifted the arms embargo on Somalia, which had been first introduced in UNSCR 733 (1992), UNSCR 2713 (2023) placed an arms embargo on Al-Shabaab. This was amended to reinforce that the embargo and wider sanctions regime is focused on the fight against Al-Shabaab.
- 5.4 These Regulations reflect the shift in focus and context of Somalia's security threat, removing references to UNSCRs which have been superseded and replacing them with current ones, and reflecting the language pertaining to the threat of Al-Shabaab, which is reflected in the additional purposes of, and new designation criteria in, the Regulations.

### *What was the previous policy, how is this different?*

- 5.5 The legislation makes a range of technical changes to the 2020 Regulations to update them in line with most recent UNSCRs, in particular to remove UNSCRs which are no longer relevant (e.g., UNSCR 733 pertaining to the arms embargo on Somalia, which was lifted in UNSCR 2714) and to refocus the purpose towards supporting peace and security in Somalia by targeting Al-Shabaab as per the language of UNSCR 2713.
- 5.6 As referenced above, the legislation also introduces additional purposes and new sanctions designation criteria (including the ability to designate armed groups other than Al-Shabaab, tackling the flow of illegal arms, countering the financing of terrorism and preventing the dissemination of extremist material), in line with HMG's Counter Terrorism Strategy (CONTEST) and its New Definition of Extremism (2024).

## **6. Legislative and Legal Context**

### *How has the law changed?*

- 6.1 This instrument is made in exercise of powers conferred by section 1 of the Sanctions and Anti-Money Laundering Act 2018 ("the Sanctions Act"). Section 1 enables sanctions regulations to be made for various purposes, including compliance with UN obligations. These Regulations are made under section 1(1)(a) of the Sanctions Act in accordance with procedure specified in section 55(6) of the Sanctions Act. When this instrument comes into force, it will give full effect in domestic law to the UK's UN obligations in respect of UNSCR 2713, which was adopted by the UN Security Council on 1 December 2023.

*Why was this approach taken to change the law?*

- 6.2 We are amending the 2020 Regulations to ensure that the UK continues to abide by its international obligations as a member of the United Nations.

**7. Consultation**

*Summary of consultation outcome and methodology*

- 7.1 No consultation has been carried out on this instrument. HMG ran a public consultation on the Sanctions Act which was open for nine weeks. Over 30,000 individuals and companies received a copy of the White Paper, and 34 individuals provided written responses. Government officials held several roundtables with key sectors, including financial services, trade bodies, the legal profession, NGOs and industry professionals and regulators. The main areas of concern raised in consultation responses were around the legal threshold for sanctions designations, the rights of designated persons to challenge their designations, and licensing procedures. All these concerns were considered in the drafting of the Sanctions Act.
- 7.2 There is neither a requirement in the Sanctions Act for public consultation on instruments made under the Act, nor is there any other legal obligation to consult in respect of this instrument. HMG will continue engagement with stakeholders on the implementation of UK sanctions.

**8. Applicable Guidance**

- 8.1 In accordance with section 43 of the Sanctions Act, guidance will be published on gov.uk in relation to the prohibitions and requirements under this instrument.

**Part Two: Impact and the Better Regulation Framework**

**9. Impact Assessment**

- 9.1 A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sector is foreseen. A de minimis assessment has been prepared as this instrument is likely to entail some costs for businesses, but the net impact is estimated to be below £10 million per year.

*Impact on businesses, charities and voluntary bodies*

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies as this is an update to existing legislation.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 There is no, or no significant, impact on the public sector as this is an update to existing legislation.

**10. Monitoring and review**

*What is the approach to monitoring and reviewing this legislation?*

- 10.1 If the UN determined that it was no longer appropriate to maintain the Somalia sanctions regime or that it should be modified, the 2020 Regulations would be amended accordingly. As such, the Minister does not consider that a review clause in this instrument is appropriate.

### **Part Three: Statements and Matters of Particular Interest to Parliament**

#### **11. Matters of special interest to Parliament**

- 11.1 This instrument, which is subject to the made negative procedure, is laid before Parliament on 8 May 2024 under section 55(6) of the Sanctions Act and comes into force on the 29 May 2024.

#### **12. European Convention on Human Rights**

- 12.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

#### **13. The Relevant European Union Acts**

- 13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023.