

OFAC

Office of Foreign Assets Control

SOMALIA SANCTIONS PROGRAM

This document is explanatory only and does not have the force of law. Executive Orders 13536 and 13620 and the implementing regulations pertaining to Somalia (31 C.F.R. part 551) contain the legally binding provisions governing the sanctions. This document does not supplement or modify the Executive orders or the regulations.



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SANCTIONS RELATING TO SOMALIA

I. INTRODUCTION

Somalia has experienced over two decades of instability and violence. The United Nations Security Council has played an active role in relation to Somalia since establishing an arms embargo in 1992 following the collapse of the Somali regime. Since 2001, the Council has issued 17 United Nations Security Council Resolutions (UNSCRs), concerning the continued instability, tension, and violence in the country, as well as the reoccurring acts of piracy and armed robbery at sea off the coast of Somalia. The Office of Foreign Assets Control (OFAC) has implemented a sanctions program relating to Somalia since 2010, when the President issued Executive Order (E.O.) 13536 to deal with the national emergency posed by the escalation of violence in Somalia by targeting persons engaging in acts threatening the peace, security, or stability of Somalia, including the terrorist organization al-Shabaab. In 2012, the President issued E.O. 13620 to further address the deterioration of the security situation and the persistence of violence in Somalia. In January 2013, after Somalia completed its political transition with elections and a provisional constitution, the United States formally recognized the new government, and is committed to helping to improve Somalia's stability and security.

II. OVERVIEW OF AUTHORITIES

On April 12, 2010, the President signed [E.O. 13536](#), declaring a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of UNSCRs. E.O. 13536 was issued under the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. §§ 1601 *et seq.*) (NEA), and section 5 of the United Nations Participation Act, as amended (22 U.S.C. § 287c) (UNPA).

On May 5, 2010, OFAC issued a set of abbreviated regulations to implement E.O. 13536. See [31 C.F.R. Part 551](#), the Somalia Sanctions Regulations (the "Regulations"), for details. OFAC intends to supplement the Regulations with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance and additional general licenses and statements of licensing policy.

On July 20, 2012, the President signed [E.O. 13620](#) pursuant to, *inter alia*, IEEPA, NEA, and the UNPA, in order to take additional steps to deal with the national emergency declared in E.O. 13536 and to address exports of charcoal from Somalia, which generate significant revenue for the terrorist organization al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia. E.O. 13620 amends certain criteria in E.O. 13536 under which people may be targeted for sanctions (as further discussed under Section III below) and prohibits the importation of charcoal from Somalia.

This fact sheet is a broad summary of the sanctions as of the date of publication. For an updated list of authorities and sanctions please refer to the Somalia sanctions page on OFAC's website at <http://www.treasury.gov/resource-center/sanctions/Programs/pages/somalia.aspx>.

III. PROHIBITED TRANSACTIONS

E.O. 13536, as amended by E.O. 13620, blocks the property and property interests of individuals and entities listed in the Annex to E.O. 13536 and of individuals and entities determined by the Secretary of the Treasury, in consultation with the Secretary of State:

- to have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to:
 - acts that threaten the Djibouti Agreement of August 18, 2008, or the political process;

- acts that threaten the Transitional Federal Institutions or future Somali governing institutions, the African Union Mission in Somalia (AMISOM), or other future international peacekeeping operations related to Somalia; or
- acts to misappropriate Somali public assets;
- to have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
- to have directly or indirectly supplied, sold, or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training or assistance, including financing and financial assistance, related to military activities;
- to be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of acts of violence targeting civilians in Somalia, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals, taking hostages, and forced displacement;
- to be a political or military leader recruiting or using children in armed conflict in Somalia;
- to have engaged, directly or indirectly, in the import or export of charcoal from Somalia on or after February 22, 2012;
- to have materially assisted, sponsored, or provided financial, material, logistical or technical support for, or goods or services in support of, the activities above or any person whose property and interests in property are blocked pursuant to E.O. 13536, as amended; or
- to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13536, as amended.

E.O. 13620 also prohibits the importation into the United States, directly or indirectly, of charcoal from Somalia.

E.O.s 13536 and 13620 therefore primarily provide the authority to impose targeted sanctions; other than the ban on the importation into the United States of charcoal from Somalia, they do not impose any broad-based sanctions against the people, the government, or the country of Somalia.

The names of individuals and entities listed in the Annex or designated pursuant to E.O. 13536, as amended, whose property and interests in property are therefore blocked, are published in the Federal Register and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) with the identifier "[SOMALIA]." The SDN List is available on OFAC's website at <http://www.treasury.gov/sdn>. Unless otherwise authorized, transactions by U.S. persons, or in or involving the United States, are prohibited if they involve transferring, paying, exporting, withdrawing, or otherwise dealing in the property or interests in property of an entity or individual listed on the SDN List. Additionally, see "Revised Guidance on Entities Owned by Persons Whose Property and Interests in Property Are Blocked" at http://www.treasury.gov/resource-center/sanctions/Documents/licensing_guidance.pdf concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to these Executive orders.

IV. AUTHORIZED TRANSACTIONS

GENERAL LICENSES

OFAC may authorize certain types or categories of activities and transactions, which would otherwise be prohibited by E.O.s 13536 and 13620, by issuing a general license. General licenses may be published in the Regulations, on OFAC's website, or both. For example, the provision of certain legal services to or on behalf of persons whose property and interests in property are blocked pursuant to 31 C.F.R. § 551.201 is authorized, provided that all receipts

of payment of professional fees and reimbursement of incurred expenses must be specifically licensed. See [31 C.F.R. § 551.506](#)

For an updated list of general licenses or interpretive guidance relating to the Somalia sanctions program, please see 31 C.F.R. 551 subpart E and visit <http://www.treasury.gov/resource-center/sanctions/Programs/pages/somalia.aspx>.

SPECIFIC LICENSES

On a case-by-case basis, OFAC considers applications for specific licenses to authorize transactions that are not authorized by a general license. With respect to the provision of humanitarian assistance, OFAC has authorized the Department of State and USAID, as well as their contractors and grantees, to engage in certain transactions in the conduct of their official assistance activities in Somalia, under rigorous controls aimed at preventing diversion of assistance or cash payments to designated parties, including al-Shabaab. For further information about this specific license and other information about private relief efforts in Somalia, please visit http://www.treasury.gov/resource-center/faqs/Sanctions/Pages/ques_index.aspx#som.

Requests for a specific license must be submitted to OFAC's Licensing Division. License requests may be submitted using any of these three methods:

- Online: <http://www.treasury.gov/resource-center/sanctions/Pages/licensing.aspx>
- Fax: (202) 622-1657
- U.S. mail: Assistant Director for Licensing, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220

V. PENALTIES

Civil monetary penalties of up to the greater of \$250,000 or twice the amount of the underlying transaction may be imposed administratively against any person who violates, attempts to violate, conspires to violate, or causes a violation of E.O. 13536, E.O. 13620, or the Regulations. Upon conviction, criminal fines of up to \$1,000,000, imprisonment for up to 20 years, or both, may be imposed on any person who willfully commits or attempts to commit, or willfully conspires to commit, or aids or abets in the commission of a violation of E.O. 13536, E.O. 13620, or the Regulations. Willful violations of E.O. 13536, E.O. 13620, or the Regulations may be subject, upon conviction, to additional fines under the UNPA of up to \$1,000,000, imprisonment for up to 20 years, or both.

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The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving the Balkans, Belarus, Burma, the Central African Republic, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Rough Diamond Trading (Kimberley Process), Iran, Iraq, Lebanon, Liberia, Libya, the Magnitsky Act, North Korea, South Sudan, Sudan, Syria, Ukraine, Yemen, and Zimbabwe, as well as highly enriched uranium, persons who commit, threaten to commit, or support terrorism, international narcotics traffickers, Foreign Terrorist Organizations, Terrorism List Governments, transnational criminal organizations, and proliferators of weapons of mass destruction and their supporters. For additional information about these programs or about sanctions involving Somalia, please contact:

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