

A.L. 343 tal-2010**ATT DWAR POTERI LI JSIRU REGOLAMENTI
FL-INTERESS NAZZJONALI
(KAP. 365)****Regolamenti ta' l-2010 dwar Sanzjonijiet tan-Nazzjonijiet Uniti
fir-rigward ta' l-Eritrea**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 3 ta' l-Att dwar Poteri li jsiru Regolamenti fl-interess Nazzjonali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2010 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward ta' l-Eritrea. Titolu.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra - Tifsir.

“l-Att” tfisser l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali; Kap. 365.

“il-Kumitat” tfisser il-Kumitat tal-Kunsill tas-Sigurtà tan-Nazzjonijiet Uniti skond il-paragrafu 11 tar-Rizoluzzjoni 751 (1992);

“ir-Rizoluzzjoni” tfisser ir-Rizoluzzjoni msemmija fir-regolament 3;

“il-Kunsill tas-Sigurtà” tfisser il-Kunsill tas-Sigurtà tan-Nazzjonijiet Uniti;

“armi” tfisser kif hemm fir-regolament 2 ta' l-Avviz Legali 17 ta' l-1995 kif emendat bl-Avviżi Legali 201 ta' l-2001, 312 ta' l-2002 u 425 ta' l-2007. A.L. 17 ta' l-1995.

3. Għall-fini ta' l-artikolu 3 (4) ta' l-Att, Rizoluzzjoni numru 1907 (2009) adottata mill-Kunsill tas-Sigurtà tan-Nazzjonijiet Uniti fit-23 ta' Diċembru, 2009 qegħda tiġi pubblikata fl-ilsien Inġliż fl-Iskeda li tinsab ma' dawn ir-regolamenti. Test tar-Rizoluzzjoni 1907 (2009).

Projbizzjoni ta' bejgħ ta' armi, eċċ. lil l-Eritrea.

4. Hu projbit il-bejgħ jew il-provvista lil l-Eritrea, minn Malta, jew minn ċittadini ta' Malta, jew billi jintużaw bastimenti jew inġenji ta' l-ajru li jtajru l-bandiera ta' Malta, kemm jekk dawn joriginaw mit-territorju ta' Malta u kemm jekk le, ta':

(a) armi u tagħmir relatat ta' kull tip, inklużi armi u munizzjonijiet, vetturi u tagħmir militari, tagħmir paramilitari, u *spare parts* għalihom, u

(b) għajnuna teknika, taħriġ, għajnuna finanzjarja jew xort'oħra, relatati ma' l-attivitajiet militari jew ma' l-għoti, manifattura, manutenzjoni jew użu ta' dawn il-ħwejjeg.

Projbizzjoni ta' bejgħ ta' armi, eċċ lil persuni u entitajiet.

5. Hu projbit il-bejgħ, provvista, jew trasferiment xort'oħra dirett jew indirett lill-persuni jew entitajiet minn dawk imsemmija mill-Kumitat, minn Malta, jew minn ċittadini ta' Malta, jew billi jintużaw bastimenti jew inġenji ta' l-ajru li jtajru l-bandiera ta' Malta, u dan sew jekk joriginaw mit-territorju ta' Malta u sew jekk le, ta':

(a) armi u tagħmir ta' kull tip, inkluż armi u munizzjoni, vetturi u tagħmir militari, tagħmir paramilitari u *spare parts* għalihom, u

(b) għajnuna teknika jew taħriġ, għajnuna finanzjarja jew oħra inkluż investiment, *brokering* jew servizzi finanzjarji oħra, relatati ma' attivitajiet militari jew mal-provvista, bejgħ, trasferiment, manifattura, manutenzjoni jew użu ta' armi u tagħmir militari.

Projbizzjoni ta' ksib ta' armi, eċċ mill-Eritrea.

6. Hu projbit ix-xiri, ksib jew aċċettazzjoni xort'oħra dirett jew indirett mill-Eritrea, lejn Malta, jew minn ċittadini ta' Malta, billi jintużaw bastimenti jew inġenji ta' l-ajru li jtajru l-bandiera ta' Malta, sew jekk joriginaw mit-territorju ta' l-Eritrea u sew jekk le, ta' armi jew tagħmir relatat magħhom, ħwejjeg, taħriġ jew dik l-għajnuna deskritta fir-regolament 4.

Projbizzjoni ta' dħul fit-territorju ta' Malta jew passagġ minnu.

7. (1) Hu projbit li jidhlu fit-territorju ta' Malta jew li jgħaddu minnu persuni minn dawk imsemmija mill-Kumitat kif ukoll, imma mhux biss, il-mexxejja politiċi u militari ta' l-Eritrea.

(2) Xejn imsemmi fis-subregolament (1) ma jobbliga lil Malta li ma tħallix ċittadini tagħha jidhlu fil-pajjiż.

(3) Il-miżuri imposti bis-subregolament (1) ma japplikawx meta:

(a) l-Kumitat jistabbilixxi f'kull każ għalih li dan l-ivvjagġar ikun ġustifikat minħabba f'xi esiġenza umanitarja, inkluża xi obbligazzjoni reliġjuża; jew

(b) il-Kumitat jistabbilixxi f'kull każ għalih li l-eżenzjoni tista' b'mod ieħor iġġib 'l quddiem l-objettivi tal-paċi u l-istabilità fir-reġjun.

8. (1) Kull flejjes, assi finanzjarji u riżorsi ekonomiċi oħra li jkunu jinsabu f'Malta fit-23 ta' Diċembru, 2009 jew wara u li jkunu jappartjenu jew ikkontrollati, direttament jew indirettament, mill-persuni u entitajiet imsemmija mill-Kumitat, jew minn persuni jew entitajiet li jaġixxu f'isimhom jew fuq ordni mogħtija minnhom, jew minn entitajiet li jkunu jappartjenu lilhom jew ikkontrollati minnhom, għandhom jiġu ffrizati minnufih and jibqgħu hekk sakemm il-Kumitat ma jneħħix lil dawk il-persuni jew entitajiet mil-lista fejn dawn il-persuni jew entitajiet huma msemmija.

Iffriżar ta' flejjes u assi finanzjarji.

(2) Hu projbit li ċ-ċittadini ta' Malta jew persuni jew entitajiet li jkunu jinsabu f'Malta jagħmlu għad-disponibilità ta' persuni jew entitajiet imsemmija fis-subregolament (1) jew għall-benefiċċju ta' tagħhom flejjes, assi finanzjarji jew riżorsi ekonomiċi oħra.

(3) Id-dispożizzjonijiet ta' dan ir-regolament ma japplikawx għall-flejjes, assi finanzjarji u riżorsi ekonomiċi oħra li jkunu ġew stabbiliti mill-awtoritajiet f'Malta:

(a) li huma meħtieġa għal spejjeż baġiċi, inklużi ħlas għall-ikel, kera jew mortgage, mediċini u kura medika, taxxi, premiums ta' l-assigurazzjoni, u ħlas għal servizzi pubbliċi jew esklussivament għal ħlas ta' drittijiet professjonali raġjonevoli u r-radd lura ta' spejjeż imħallsa assoċjati ma' l-għoti ta' servizzi legali, jew drittijiet jew ħlasijiet għal servizzi, konformement mal-liġijiet ta' Malta, għal servizzi ta' rutina għaž-żamma jew manutenzjoni ta' flejjes iffriżati, assi finanzjarji jew riżorsi ekonomiċi oħra:

Iżda l-awtoritajiet f'Malta għandhom jinnotifikaw lill-Kumitat bl-intenzjoni li jawtorizzaw, meta jkun adatt, aċċessibilità għal dawk il-flejjes, assi finanzjarji jew riżorsi ekonomiċi oħra, u l-ebda deċiżjoni negattiva ma tkun inġhatat mill-Kumitat fi żmien tlett ijiem ta' xogħol minn dik in-notifika;

(b) li jkunu meħtieġa għal spejjeż straordinarji:

Izda dik id-deċiżjoni trid tkun giet notifikata mill-awtoritajiet f'Malta lill-Kumitat u approvata minnu; jew

(ċ) li jkunu mertu ta' rahan ġudizzjarju, amministrattiv jew ta' arbitraġġ jew ta' sentenza, f'liema każ il-flejjes, l-assi finanzjarji jew ir-riżorsi ekonomiċi l-oħra jistgħu jintużaw biex jissodisfaw dak ir-raham jew dik is-sentenza:

Izda dak ir-raham jew dik is-sentenza għandhom ikunu ingħataw seħħ qabel it-23 ta' Dicembru, 2009 u ma jkunux għall-benefiċċju ta' persuna jew entità minn dawk imsemmija fis-subregolament (1), u dak ir-raham jew dik is-sentenza jkunu ġew notifikati mill-awtoritajiet f'Malta lill-Kumitat.

Piena.

9. Min jinstab ħati ta' reat kontra dawn ir-regolamenti jista', meta jinstab ħati, jeħel multa ta' mhux iżjed minn mija u sittax-il elf erba' mija u disgħa u sittin euro (€116,469.00).

United Nations

S/RES/1907 (2009)

**Security Council**Distr.: General
23 December 2009

Resolution 1907 (2009)**Adopted by the Security Council at its 6254th meeting, on
23 December 2009***The Security Council,*

Recalling its previous resolutions and statements of its President concerning the situation in Somalia and the border dispute between Djibouti and Eritrea, in particular its resolutions 751 (1992), 1844 (2008), and 1862 (2009), and its statements of 18 May 2009 (S/PRST/2009/15), 9 July 2009 (S/PRST/2009/19), 12 June 2008 (S/PRST/2008/20),

Reaffirming its respect for the sovereignty, territorial integrity, and political independence and unity of Somalia, Djibouti and Eritrea, respectively,

Expressing the importance of resolving the border dispute between Djibouti and Eritrea,

Reaffirming that the Djibouti Agreement and Peace Process represent the basis for a resolution of the conflict in Somalia, and further reaffirming its support for the Transitional Federal Government (TFG),

Noting the decision of the 13th Assembly of the African Union (AU) in Sirte, Libya, calling on the Council to impose sanctions against foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia and undermining the peace and reconciliation efforts as well as regional stability (S/2009/388),

Further noting the decision of the 13th Assembly of the AU in Sirte, Libya expressing its grave concern at the total absence of progress regarding the implementation by Eritrea of, inter alia, resolution 1862 (2009) regarding the border dispute between Djibouti and Eritrea (S/2009/388),

Expressing its grave concern at the findings of the Monitoring Group re-established by resolution 1853 (2008) as outlined in its December 2008 report (S/2008/769) that Eritrea has provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability,

Condemning all armed attacks on TFG officials and institutions, the civilian population, humanitarian workers and the African Union Mission to Somalia (AMISOM) personnel,

Expressing its grave concern at Eritrea's rejection of the Djibouti Agreement, as noted in the letter of 19 May 2009, from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council (S/2009/256),

Recalling its resolution 1844 (2008) in which it decided to impose measures against individuals or entities designated as engaging in or providing support to acts that threaten peace, security and stability in Somalia, acting in violation of the arms embargo or obstructing the flow of humanitarian assistance to Somalia,

Expressing its appreciation of the contribution of AMISOM to the stability of Somalia, and further expressing its appreciation for the continued commitment to AMISOM by the Governments of Burundi and Uganda,

Reiterating its intention to take measures against those who seek to prevent or block the Djibouti Peace Process,

Expressing its deep concern that Eritrea has not withdrawn its forces to the status quo ante, as called for by the Security Council in its resolution 1862 (2009) and the statement of its President dated 12 June 2008 (S/PRST/2008/20),

Reiterating its serious concern at the refusal of Eritrea so far to engage in dialogue with Djibouti, or to accept bilateral contacts, mediation or facilitation efforts by sub-regional or regional organizations or to respond positively to the efforts of the Secretary-General,

Taking note of the letter of the Secretary-General issued on 30 March 2009 (S/2009/163), and the subsequent briefings by the Secretariat on the Djibouti-Eritrea conflict,

Noting that Djibouti has withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary-General,

Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008);

2. *Calls upon* all Member States, including Eritrea, to support the Djibouti Peace Process and support reconciliation efforts by the TFG in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the TFG;

3. *Reiterates* its demand that Eritrea immediately comply with resolution 1862 (2009) and:

(i) *Withdraw* its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008;

(ii) *Acknowledge* its border dispute with Djibouti in Ras Doumeira and Doumeira Island, *engage* actively in dialogue to defuse the tension and *engage also* in diplomatic efforts leading to a mutually acceptable settlement of the border issue; and,

(iii) *Abide* by its international obligations as a Member of the United Nations, *respect* the principles mentioned in Article 2, paragraphs 3, 4, and 5, and Article 33 of the Charter, and *cooperate* fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3 of resolution 1862 (2009);

4. *Demands* that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June, 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. *Decides* that all Member States shall immediately take the necessary measures to prevent the sale or supply to Eritrea by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories;

6. *Decides* that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea;

7. *Calls upon* all Member States to inspect, in their territory, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution or the general and complete arms embargo to Somalia established pursuant to paragraph 5 of resolution 733 (1992) and elaborated and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions;

8. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 above, seize and dispose (either by destroying or rendering inoperable) items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution and decides further that all Member States shall cooperate in such efforts;

9. *Requires* any Member State when it finds items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution to submit promptly a report to the Committee containing relevant details, including the steps taken to seize and dispose of the items;

10. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals, designated by the Committee established pursuant to resolution 751 (1992) and expanded by resolution 1844 (2008) (herein “the Committee”) pursuant to the criteria in paragraph 15 below, provided that nothing in this paragraph shall oblige a state to refuse entry into its territory to its own nationals;

11. *Decides* that the measures imposed by paragraph 10 above shall not apply:

(a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or,

(b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region;

12. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned 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 pursuant to paragraph 15 below;

13. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 below, or by individuals or entities acting on their behalf or their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities;

14. *Decides* that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 13 above, and has been notified by the relevant Member State(s) to the Committee;

15. *Decides* that the provisions of paragraph 10 above shall apply to individuals, including but not limited to the Eritrean political and military leadership, and that the provisions of paragraphs 12 and 13 above shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, and parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee:

(a) as violating the measures established by paragraphs 5 and 6 above;

(b) as providing support from Eritrea to armed opposition groups which aim to destabilize the region;

(c) as obstructing implementation of resolution 1862 (2009) concerning Djibouti;

(d) as harbouring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) as obstructing the investigations or work of the Monitoring Group;

16. *Demands* that all Member States, in particular Eritrea, cease arming, training, and equipping armed groups and their members including al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti;

17. *Demands* Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee and other Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions;

18. *Decides* to further expand the mandate of the Committee to undertake the additional tasks:

(a) To monitor, with the support of the Monitoring Group, the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above;

(b) To designate those individuals or entities subject to the measures imposed by paragraphs 10, 12 and 13 above, pursuant to criteria set forth in paragraph 15 above;

(c) To consider and decide upon requests for exemptions set out in paragraphs 11 and 14 above;

(d) To update its guidelines to reflect its additional tasks;

19. *Decides* to further expand the mandate of the Monitoring Group re-established by resolution 1853 (2008) to monitor and report on implementation of the measures imposed in this resolution and undertake the tasks outlined below, and requests the Secretary-General to make appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate, and in addition:

(a) Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above, including by reporting any information on violations;

(b) Consider any information relevant to implementation of paragraphs 16 and 17 above that should be brought to the attention of the Committee;

(c) Include in its reports to the Security Council any information relevant to the Committee's designation of the individuals and entities described in paragraph 15 above;

(d) Coordinate as appropriate with other Sanctions Committees' panels of experts in pursuit of these tasks;

20. *Calls upon* all Members States to report to the Security Council within 120 days of the adoption of this resolution on steps they have taken to implement the measures outlined in the paragraphs 5, 6, 10, 12 and 13 above;

21. *Affirms* that it shall keep Eritrea's actions under review and that it shall be prepared to adjust the measures, including through their strengthening, modification, or lifting, in light of Eritrea's compliance with the provisions of this resolution;

22. *Requests* the Secretary-General to report within 180 days on Eritrea's compliance with the provisions of this resolution;

23. *Decides* to remain actively seized of the matter.

L.N. 343 of 2010

**NATIONAL INTEREST (ENABLING POWERS) ACT
(CAP. 365)**

United Nations Sanctions (Eritrea) Regulations, 2010

IN exercise of the powers conferred by article 3 of the National Interest (Enabling Powers) Act, the Prime Minister has made the following regulations:-

1. The title of these regulations is the United Nations Sanctions (Eritrea) Regulations. Citation.
2. In these regulations, unless the context otherwise requires -
 - “the Act” means the National Interest (Enabling Powers) Act; Cap. 365.
 - “the Committee” means the Committee of the Security Council of the United Nations established pursuant to paragraph 11 of Council Resolution 751 (1992);
 - “the Resolution” means the Resolution referred to in regulation 3;
 - “the Security Council” means the Security Council of the United Nations.
 - “weapons” shall have the same meaning as defined in regulation 2 of Legal Notice 17 of 1995 as amended by Legal Notices 201 of 2001, 312 of 2002 and 425 of 2007. L.N. 17 of 1995.
3. For the purpose of article 3 (4) of the Act, Resolution 1907 (2009) adopted by the Security Council of the United Nations on the 23 December, 2009 is published in the English language in the Schedule to these regulations. Text of Resolution 1907 (2009).
4. It shall be unlawful to sell or supply to Eritrea, from Malta, or by citizens of Malta, or using Malta’s flag vessels or aircraft, and whether or not originating in the territory of Malta:
 - (a) arms and related materiel of all types, including weapons and ammunition, military vehicles and Prohibition of sale of arms, etc. to Eritrea.

equipment, paramilitary equipment, and spare parts for the aforementioned, and

(b) technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items.

Prohibition of sale of arms, etc. to individuals and entities.

5. It shall be unlawful to sell, supply or otherwise transfer directly or indirectly to the individuals or entities duly designated by the Committee, from Malta, or by citizens of Malta, or using Malta's flag vessels or aircraft, and whether or not originating in the territory of Malta:

(a) arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and

(b) 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.

Prohibition of procurement of arms, etc. from Eritrea.

6. It shall be unlawful to buy, procure or otherwise receive directly or indirectly from Eritrea, to Malta, or by citizens of Malta, or using Malta's flag vessels or aircraft, and whether or not originating in the territory of Eritrea, any arms or related materiel, items, training or assistance described in regulation 4.

Prohibition of entry into or transit through the territory of Malta.

7. (1) The entry into or transit through the territory of Malta of persons duly designated by the Committee, including but not limited to the Eritrean political and military leadership, shall be prohibited.

(2) Nothing contained in sub-regulation (1) shall oblige Malta from refusing entry into its territory to any of its own citizens.

(3) The measures imposed by sub-regulation (1) shall not apply where:

(a) the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or

(b) the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region.

8. (1) Any funds, other financial assets and economic resources which are in Malta on or after the 23 December, 2009 and that are owned or controlled, directly or indirectly, by the individuals and entities duly designated by the Committee, or by individuals or entities acting on their behalf or their direction, or by entities owned or controlled by them, shall be immediately frozen and shall remain so frozen until such time as the Committee removes such persons or entities from the list of duly designated individuals or entities.

Freezing of funds and assets.

(2) It shall be unlawful for any citizen of Malta or any persons or entities in Malta to make available any funds, other financial assets or economic resources to or for the benefit of the individuals or entities mentioned in sub-regulation (1).

(3) The provisions of this regulation do not apply to funds, other financial assets and economic resources that have been determined by the authorities of Malta:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources:

Provided that the authorities of Malta shall notify the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets or economic resources, and that no negative decision by the Committee is received within three working days of such notification;

(b) to be necessary for extraordinary expenses:

Provided that such determination has been notified by the authorities of Malta to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets or economic resources may be used to satisfy that lien or judgment:

Provided that such lien or judgement was entered into prior to the 23 December, 2009 and is not for the benefit of an individual or entity duly designated pursuant to sub-regulation (1), and that such lien or judgement has been notified by the authorities of Malta to the Committee.

Penalty.

9. Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred sixteen thousand four hundred and sixty-nine euro (€116,469).

United Nations

S/RES/1907 (2009)

**Security Council**Distr.: General
23 December 2009

Resolution 1907 (2009)**Adopted by the Security Council at its 6254th meeting, on
23 December 2009***The Security Council,*

Recalling its previous resolutions and statements of its President concerning the situation in Somalia and the border dispute between Djibouti and Eritrea, in particular its resolutions 751 (1992), 1844 (2008), and 1862 (2009), and its statements of 18 May 2009 (S/PRST/2009/15), 9 July 2009 (S/PRST/2009/19), 12 June 2008 (S/PRST/2008/20),

Reaffirming its respect for the sovereignty, territorial integrity, and political independence and unity of Somalia, Djibouti and Eritrea, respectively,

Expressing the importance of resolving the border dispute between Djibouti and Eritrea,

Reaffirming that the Djibouti Agreement and Peace Process represent the basis for a resolution of the conflict in Somalia, and further reaffirming its support for the Transitional Federal Government (TFG),

Noting the decision of the 13th Assembly of the African Union (AU) in Sirte, Libya, calling on the Council to impose sanctions against foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia and undermining the peace and reconciliation efforts as well as regional stability (S/2009/388),

Further noting the decision of the 13th Assembly of the AU in Sirte, Libya expressing its grave concern at the total absence of progress regarding the implementation by Eritrea of, inter alia, resolution 1862 (2009) regarding the border dispute between Djibouti and Eritrea (S/2009/388),

Expressing its grave concern at the findings of the Monitoring Group re-established by resolution 1853 (2008) as outlined in its December 2008 report (S/2008/769) that Eritrea has provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability,

Condemning all armed attacks on TFG officials and institutions, the civilian population, humanitarian workers and the African Union Mission to Somalia (AMISOM) personnel,

Expressing its grave concern at Eritrea's rejection of the Djibouti Agreement, as noted in the letter of 19 May 2009, from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council (S/2009/256),

Recalling its resolution 1844 (2008) in which it decided to impose measures against individuals or entities designated as engaging in or providing support to acts that threaten peace, security and stability in Somalia, acting in violation of the arms embargo or obstructing the flow of humanitarian assistance to Somalia,

Expressing its appreciation of the contribution of AMISOM to the stability of Somalia, and further expressing its appreciation for the continued commitment to AMISOM by the Governments of Burundi and Uganda,

Reiterating its intention to take measures against those who seek to prevent or block the Djibouti Peace Process,

Expressing its deep concern that Eritrea has not withdrawn its forces to the status quo ante, as called for by the Security Council in its resolution 1862 (2009) and the statement of its President dated 12 June 2008 (S/PRST/2008/20),

Reiterating its serious concern at the refusal of Eritrea so far to engage in dialogue with Djibouti, or to accept bilateral contacts, mediation or facilitation efforts by sub-regional or regional organizations or to respond positively to the efforts of the Secretary-General,

Taking note of the letter of the Secretary-General issued on 30 March 2009 (S/2009/163), and the subsequent briefings by the Secretariat on the Djibouti-Eritrea conflict,

Noting that Djibouti has withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary-General,

Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008);

2. *Calls upon* all Member States, including Eritrea, to support the Djibouti Peace Process and support reconciliation efforts by the TFG in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the TFG;

3. *Reiterates* its demand that Eritrea immediately comply with resolution 1862 (2009) and:

(i) *Withdraw* its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008;

(ii) *Acknowledge* its border dispute with Djibouti in Ras Doumeira and Doumeira Island, *engage* actively in dialogue to defuse the tension and *engage also* in diplomatic efforts leading to a mutually acceptable settlement of the border issue; and,

(iii) *Abide* by its international obligations as a Member of the United Nations, *respect* the principles mentioned in Article 2, paragraphs 3, 4, and 5, and Article 33 of the Charter, and *cooperate* fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3 of resolution 1862 (2009);

4. *Demands* that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June, 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. *Decides* that all Member States shall immediately take the necessary measures to prevent the sale or supply to Eritrea by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories;

6. *Decides* that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea;

7. *Calls upon* all Member States to inspect, in their territory, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution or the general and complete arms embargo to Somalia established pursuant to paragraph 5 of resolution 733 (1992) and elaborated and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions;

8. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 above, seize and dispose (either by destroying or rendering inoperable) items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution and decides further that all Member States shall cooperate in such efforts;

9. *Requires* any Member State when it finds items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution to submit promptly a report to the Committee containing relevant details, including the steps taken to seize and dispose of the items;

10. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals, designated by the Committee established pursuant to resolution 751 (1992) and expanded by resolution 1844 (2008) (herein “the Committee”) pursuant to the criteria in paragraph 15 below, provided that nothing in this paragraph shall oblige a state to refuse entry into its territory to its own nationals;

11. *Decides* that the measures imposed by paragraph 10 above shall not apply:

(a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or,

(b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region;

12. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned 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 pursuant to paragraph 15 below;

13. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 below, or by individuals or entities acting on their behalf or their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities;

14. *Decides* that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 13 above, and has been notified by the relevant Member State(s) to the Committee;

15. *Decides* that the provisions of paragraph 10 above shall apply to individuals, including but not limited to the Eritrean political and military leadership, and that the provisions of paragraphs 12 and 13 above shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, and parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee:

(a) as violating the measures established by paragraphs 5 and 6 above;

(b) as providing support from Eritrea to armed opposition groups which aim to destabilize the region;

(c) as obstructing implementation of resolution 1862 (2009) concerning Djibouti;

(d) as harbouring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) as obstructing the investigations or work of the Monitoring Group;

16. *Demands* that all Member States, in particular Eritrea, cease arming, training, and equipping armed groups and their members including al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti;

17. *Demands* Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee and other Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions;

18. *Decides* to further expand the mandate of the Committee to undertake the additional tasks:

(a) To monitor, with the support of the Monitoring Group, the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above;

(b) To designate those individuals or entities subject to the measures imposed by paragraphs 10, 12 and 13 above, pursuant to criteria set forth in paragraph 15 above;

(c) To consider and decide upon requests for exemptions set out in paragraphs 11 and 14 above;

(d) To update its guidelines to reflect its additional tasks;

19. *Decides* to further expand the mandate of the Monitoring Group re-established by resolution 1853 (2008) to monitor and report on implementation of the measures imposed in this resolution and undertake the tasks outlined below, and requests the Secretary-General to make appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate, and in addition:

(a) Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above, including by reporting any information on violations;

(b) Consider any information relevant to implementation of paragraphs 16 and 17 above that should be brought to the attention of the Committee;

(c) Include in its reports to the Security Council any information relevant to the Committee's designation of the individuals and entities described in paragraph 15 above;

(d) Coordinate as appropriate with other Sanctions Committees' panels of experts in pursuit of these tasks;

20. *Calls upon* all Member States to report to the Security Council within 120 days of the adoption of this resolution on steps they have taken to implement the measures outlined in the paragraphs 5, 6, 10, 12 and 13 above;

21. *Affirms* that it shall keep Eritrea's actions under review and that it shall be prepared to adjust the measures, including through their strengthening, modification, or lifting, in light of Eritrea's compliance with the provisions of this resolution;

22. *Requests* the Secretary-General to report within 180 days on Eritrea's compliance with the provisions of this resolution;

23. *Decides* to remain actively seized of the matter.

