

香港特別行政區政府
商務及經濟發展局
工商及旅遊科



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COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU
GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION

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14 November 2013

Clerk to the Subcommittee
to Examine the Implementation in Hong Kong of Resolutions
of the United Nations Security Council in relation to Sanctions
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Annette Lam)
(Fax No.: 2978 7569)

Dear Ms Lam,

**Subcommittee to Examine the Implementation in Hong Kong of
Resolution of the United Nations Security Council
in relation to Sanctions**

At the fourth meeting of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions of 11 October 2013, the Administration was requested to take the following actions –

- (a) consider using "第()款提述的規定" instead of "有關規定" in the Chinese text of the licensing provisions in the regulations made under the United Nations Sanctions Ordinance (Cap. 537) in the future; and
- (b) consider providing a definition of "African Union Strategic Concept" when amending the United Nations Sanctions (Somalia) Regulation (Cap. 537AN) in the future.

Our responses are set out in the ensuing paragraphs –

In line with the current drafting practice to minimize cross-references, the relevant licensing provisions in the regulations made under Cap. 537 do not adopt "第()款提述的規定" in Chinese (or "the requirements referred to in subsection ()" in English). In the contexts in question, it is sufficiently clear that "有關規定" relates to the requirements mentioned in the subsection appearing before the subsection in which "有關規定" is used. Cross-references to words or expressions used in the earlier part of the same section are thus unnecessary.

As regards to the "African Union Strategic Concept", it is noted that the term "African Union Strategic Concept of 5 January 2012" was mentioned in paragraph 36 of the United Nations Security Council Resolution (UNSCR) 2093. According to paragraph 3 of the Communique of the Peace and Security Council of the African Union (at **Annex**), at the meeting of the Council on 5 January 2012, it endorsed the "Strategic Concept" for future operations of the African Union Mission in Somalia (AMISOM) and urged the UNSC to "expeditiously consider and authorise the support required for the immediate implementation of the Strategic Concept" in Somalia.

As such, it is clear that UNSCR 2093 was a UN endorsement to the "African Union Strategic Concept" as endorsed by the Peace and Security Council of the African Union on 5 January 2012. The term "African Union Strategic Concept of 5 January 2012" in sections 8(2)(f) and 9(2)(d) of Cap. 537AN therefore has its specific meaning in the context of Somalia. As there does not appear to be any doubt as to the meaning of the term, we consider that a definition for the same is not necessary.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke that ends in a small arrowhead pointing to the right.

(Raymond Wu)

for Secretary for Commerce and Economic Development

AFRICAN UNION
الاتحاد الأفريقي



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PEACE AND SECURITY COUNCIL
306TH MEETING
ADDIS ABABA, ETHIOPIA
5 JANUARY 2012

PSC/PR/COMM.(CCCVI)

COMMUNIQUE



COMMUNIQUÉ

The Peace and Security Council of the African Union (AU), at its 306th meeting held on 5 January 2012, adopted the following decision on the situation in Somalia:

Council:

1. **Notes** the recommendations made by the meeting of the Ministers of Defence of the Troop Contributing Countries (TCCs) to the African Union Mission in Somalia (AMISOM) and other interested countries, held in Addis Ababa on 4 January 2012, regarding the Strategic Concept for future AMISOM operations [CDS-Min Def/TCCs/AMISOM.REC(I)], as well as the statements made by the AU Commissioner for Peace and Security, representatives of the Transitional Federal Government (TFG) of Somalia, Uganda, as AMISOM TCC, the Special Representative of the United Nations Secretary-General for Somalia, Denmark, as co-Chair of the AU Partner Group, Italy, as co-Chair of the IGAD Partner Forum, and the European Union (EU);
2. **Recalls** its earlier communiqués on the situation in Somalia, in particular communiqué PSC/PR/COMM.3(CCLVIII), adopted at its 258th meeting held on 20 January 2011, in which it decided to renew the mandate of AMISOM for an additional period of 12 months. Council **also recalls** its communiqué PSC/PR/COMM(CCCII) and press statement PSC/PR/BR.(CCCV) issued at its 302nd and 305th meetings held on 2 and 22 December 2011, respectively, on the draft Strategic Concept for future operations;
3. **Endorses** the Strategic Concept for future AMISOM operations as a planning tool for enhancing the strength of AMISOM and furthering the gains made on the ground, as reviewed and recommended by the Ministers of Defence of the TCCs to AMISOM and other interested countries, including:
 - (i) the increase of the level of UN-supported AMISOM uniformed personnel from 12,000 to 17,731, including 5,700 from the Djiboutian contingent and the re-hatted Kenyan troops, as well as AMISOM police component,
 - (ii) the deployment by Burundi and Uganda of additional troops to reach the currently UN-authorized strength of 12,000, with the understanding that the utilization of these additional troops will be determined on the basis of the needs in the main liberated areas,
 - (iii) the insertion of AMISOM troops in areas liberated with the support of Ethiopia, in view of the urgency of the stated intent of Ethiopia to withdraw from those areas,
 - (iv) the extension of AMISOM's area of responsibility by fast tracking the insertion of AMISOM troops in all the liberated areas,
 - (v) the provision of the required force enablers and multipliers, as well as logistical support to other components of AMISOM, and

- (vi) the enhancement of the TFG security and allied forces, to enable and empower them to play an increased role in the implementation of the Strategic Concept;
4. **Urges** the UN Security Council to expeditiously consider and authorize the support required for the immediate implementation of the Strategic Concept, in order to take advantage of the unique opportunity created by the operations being conducted against Al Shabaab in different parts of Somalia, thereby consolidating the security gains and moving the peace process forward;
5. **Requests** the Commission to accelerate the preparation and consultations on the follow-on planning requirements, including the elaboration and early finalization of a new AMISOM Concept of Operations (CONOPS) to adequately address all relevant issues, such as command and control, liaison and coordination and troops-to-task per sector;
6. **Appreciates** the continuing support of the European Union (EU) in the implementation of the mandate of AMISOM and **requests** the EU to make available, through the Africa Peace Facility and any other appropriate instruments, the necessary funds to cater for the payment of allowances for 17,731 troops. Council also **appeals** to other AU partners to provide the necessary financial support for the implementation of the Strategic Concept;
7. **Welcomes** the initiative of the Prime Minister of the United Kingdom to convene a special Summit on Somalia in London, on 23 February 2012, and **looks forward** to its positive impact in terms of the enhancement of the international community's support to the political, security, humanitarian and developmental effort in Somalia;
8. **Welcomes** the progress made in the constitution-making process, in the context of the Garowe Conference in Puntland. At the same time, Council **calls on** the leadership of the Transitional Federal Institutions (TFIs), as well as all other Somali stakeholders, to demonstrate the required maturity and determination in the implementation of the Kampala Accord of June 2011 and the Political Roadmap of September 2011, to urgently resolve the current crisis within the Transitional Federal Parliament (TFP), with the support of the AU, IGAD and the UN;
9. **Reiterates** AU's determination to take all necessary measures against all spoilers, both internal and external, who are engaged in actions aimed at undermining the peace and reconciliation process in Somalia, as well as the efforts of AMISOM;
10. **Requests** the Chairperson of the Commission to transmit this communiqué and the Strategic Concept for future AMISOM operations to the Secretary-General of the United Nations, as well as to the other AU partners, to seek their support and cooperation, and to report to Council on the outcomes of its requests, particularly with regard to the resolution on Somalia to be adopted by the Security Council;
11. **Decides** to renew the mandate of AMISOM for a further period of 12 months with effect from 16 January 2012;
12. **Decides** to remain actively seized of the matter.