



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS

Circular No. 48/2011



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

29 December 2011

TEN 5.13.09
TEN 4.2.12.3.02

All Owners, Managers and Representatives
of Ships under the Cyprus Flag

Subject: The Cyprus Ships (Prohibition of Transportation of Arms and Related Materiel to and from Somalia) Order of 2011

1. I refer to the above subject and further to my previous Circular No. 12/2010 (dated 20.04.2010) I wish to inform you that the Council of Ministers of the Republic of Cyprus, in exercising its powers under section 3 of the Cyprus Ships (Prohibition of Transportation) Laws 1966-1971, issued the Cyprus Ships (Prohibition of Transportation of Arms and Related Materiel to and from Somalia) Order of 2011, P.I. 427/2011¹, which implements the European Council Decision 2010/231/CFSP as well as the United Nations Security Council Resolutions 733 (1992), 1356 (2001), 1744 (2007), 1844 (2008) and 1853 (2008).
2. In implementing the aforementioned instruments, Order P.I. 427/2011 prohibits the direct or indirect transportation by Cyprus ships to and from Somalia of arms and related materiel, irrespective of origin, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned.
3. In conformity with the aforementioned instruments, Order P.I. 427/2011 further provides that this prohibition does not apply in respect of the transportation of the following:
 - a) arms and related material of all types related to military activities intended solely for the support of or use by AMISOM as stipulated in paragraph 4 of UNSCR 1744 (2007) or for the sole use of States and regional organisations undertaking measures in accordance with paragraph 6 of UNSCR 1851 (2008) and paragraph 10 of UNSCR 1846 (2008);

¹ published in the Official Gazette of the Republic No. 4526, Supplement III (I), dated 21.10.2011.



- b) arms and related material of all types intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of UNSCR 1744 (2007) and in the absence of a negative decision by the Sanctions Committee (established according to paragraph 11 of UNSCR 751 (1992)) within five working days of receiving the relevant notification;
 - c) non-lethal military equipment intended solely for humanitarian or protective use, or of material intended for institution building programmes of the Union, or Member States, including in the field of security, carried out within the framework of the Peace and Reconciliation Process, as approved in advance by the Sanctions Committee, and to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by UN personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.
4. In addition, Order P.I. 427/2011 prohibits the direct or indirect transportation by Cyprus ships to and from Somalia of arms and military equipment to persons or entities as listed in the Annex of Decision 2010/231/CFSP as may be amended from time to time which are designated by the above Sanctions Committee as:
- (a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;
 - (b) having acted in violation of the arms embargo and related measures as referred to in paragraph 2 of this Circular;
 - (c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.

The recent amending Council Decision 2011/635/CFSP adds the following designations of such persons and entities:

- (a) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;
- (b) being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.

Our Department has already drafted an amending Order in order to reflect these two designations which will be issued in due course.

5. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of Order P.I. 427/2011 and of the aforesaid instruments.

6. The text of the aforementioned European Union instruments may be found on <http://eur-lex.europa.eu> whereas the text of United Nations Security Resolutions may be found on <http://www.un.org/Docs/sc/>.

This Circular must be placed on board vessels flying the Cyprus flag.



Serghios S. Serghiou
Director
Department of Merchant Shipping

- Cc:** - Attorney General of the Republic
-Permanent Secretary, Ministry of Communications and Works
-Permanent Secretary, Ministry of Foreign Affairs
-Permanent Secretary, Ministry of Defence
-Permanent Secretary, Ministry of Justice and Public Order
- Diplomatic Missions and Honorary Consular Officers of the Republic
- General Manager, Cyprus Ports Authority
- Director, Department of Customs and Excise
- Commander, Cyprus Port and Marine Police
- Maritime Offices of the Department of Merchant Shipping abroad
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association

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