

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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GOVERNMENT OF THE HONG KONG  
SPECIAL ADMINISTRATIVE REGION

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研究在香港實施聯合國安全理事會  
就制裁事宜所作決議的小組委員會秘書  
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林女士：

**研究在香港實施聯合國安全理事會  
就制裁事宜所作決議的小組委員會**

研究在香港實施聯合國安全理事會就制裁事宜所作決議的小組委員會於二零一三年十月十一日舉行第四次會議，會上要求當局採取下列跟進行動：

- (a) 日後根據《聯合國制裁條例》(第 537 章)訂立規例時，考慮在特許條文的中文文本使用“第( )款提述的規定”以取代“有關規定”；及
- (b) 日後修訂《聯合國制裁(索馬里)規例》(第 537AN 章)時，考慮提供“非洲聯盟戰略概念”的定義。

本局現回覆如下：

現行草擬法例的做法是盡量減少在文本中使用相互參照；依此做法，我們根據第 537 章所訂立的規例中，沒有在相關特許條文的中文文本使用“第( )款提述的規定”(或在英

文文本使用“the requirements referred to in subsection ( )”。在相關的文意中，“有關規定”與在使用“有關規定”的該款之前出現的一款所述的規定有關，這一點是非常清楚明顯的。因此，我們認為無需相互參照在同一條文較前部分所使用的文字或詞句。

至於“非洲聯盟戰略概念”，本局知悉，聯合國安全理事會第 2093 號決議(安理會決議)第 36 段曾提及“二零一二年一月五日非洲聯盟戰略概念”。根據非洲聯盟和平與安全理事會公報第 3 段(載於附件)，與會者在二零一二年一月五日會議上，通過就非洲聯盟駐索馬里特派團(非索特派團)的日後行動採取“戰略概念”，並促請安理會“盡快考慮並授權給予所需支持，以便立即在索馬里推行戰略概念”。

根據上文，聯合國通過安理會第 2093 號決議明確認可於二零一二年一月五日由非洲聯盟和平與安全理事會通過的“非洲聯盟戰略概念”。因此，《聯合國制裁(索馬里)規例》(第 537AN 章)第 8(2)(f) 及 9(2)(d)條提及的“二零一二年一月五日非洲聯盟戰略概念”一詞，對索馬里具有特定意義。由於該詞的涵義看來並無不明確之處，我們認為無須為該詞賦予定義。

商務及經濟發展局局長

(胡偉文



代行)

二零一三年十一月十四日

AFRICAN UNION  
الاتحاد الأفريقي



UNION AFRICAINE  
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PEACE AND SECURITY COUNCIL  
306<sup>TH</sup> MEETING  
ADDIS ABABA, ETHIOPIA  
5 JANUARY 2012

PSC/PR/COMM.(CCCVI)

COMMUNIQUÉ



## COMMUNIQUÉ

The Peace and Security Council of the African Union (AU), at its 306<sup>th</sup> 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 258<sup>th</sup> 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 302<sup>nd</sup> and 305<sup>th</sup> 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.