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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 15 July 2002 from the Permanent Mission of Poland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Poland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and, with reference to Security Council resolution 1407 (2002) of 3 May 2002, has the honour to submit the annexed information concerning the measures taken by the Government of the Republic of Poland to ensure full implementation of the arms and military equipment embargo against Somalia.

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Annex to the note verbale dated 15 July 2002 from the Permanent Mission of Poland to the United Nations addressed to the Chairman of the Committee

Information on the implementation by the Republic of Poland of Security Council resolution 733 (1992)

1. The rules governing the implementation by Poland of sanctions relating to weapons and military equipment are based on the international obligations resulting from Poland's participation in international organizations. As a Member of the United Nations, Poland attaches particular importance to the full implementation of Security Council resolutions. In consequence, with the adoption of resolution 733 (1992) any deliveries of arms to Somalia were prohibited. Polish companies comply fully with resolution 733 (2002). Having been informed about the international obligations of Poland in this area they do not submit applications for arms export permits to Somalia. Any involvement in illegal transactions would be considered by the Polish authorities as a criminal act and would be prosecuted.

2. One of the elements of the mechanism of implementation and enforcement of sanctions imposed by the Security Council is an interdepartmental system of export control. According to the Law of 29 November 2000 on the control of external trade in goods, technologies and services of strategic importance for state security and for the maintenance of international peace and security, all external arms transactions require the permission of the Ministry of Economy. The Law prohibits any external transactions which would be contrary to Poland's international obligations. This means that the export of arms to States to which relevant Security Council sanctions apply is by definition prohibited.

3. In accordance with the above and on the basis of the Polish legislation on export control, appropriate authorities (in this case the Ministry of the Economy) are obliged to reject all applications for the export of arms to Somalia. This refers also to all applications for transit through the territory of the Republic of Poland.

4. In accordance with the above-mentioned Law all kinds of participation in arms trade (brokerage, consulting, transport and financial services) are subject to control and require a special permit from the Ministry of the Economy as in the case of export. Taking into account that, in many cases disclosed by the United Nations experts, violation of Security Council embargoes has been possible because of the activities of dishonest or illegal international brokers or transport agents, introduction by Poland of this kind of control significantly limits the risk of non-compliance with sanctions on the part of Polish companies.

5. Furthermore, according to the aforementioned Law of 29 November 2000, exporting entities are obliged before applying for individual permits for strategic products trade (arms and double-use materials) to determine whether:

– the end-user intends to use the weapons to violate human rights and fundamental freedoms

– the arms supply will be a threat to peace or in any other way contribute to destabilization in the region

– the recipient country supports, facilitates or encourages terrorism or international crime

– the arms might be used other than to fulfil justified needs of protection and security of the recipient country.

To verify this criteria all companies are obliged by the previously mentioned Law to create internal export control systems, which are subject of certification according to the ISO 9001 standard.